LEGISLATIVE COUNCIL

Tuesday 10 June 1980

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. K. T. Griffin)—

Pursuant to Statute—

Metropolitan Taxi-Cab Act, 1956-1978—Variation of Regulations.

Road Traffic Act, 1961-1980—Variation of Regulations.

State Transport Authority—Report, 1978-1979.

By the Minister of Local Government (Hon. C. M. Hill)—

Pursuant to Statute—

Local Government Act, 1934-1979—"Local Government Act—Control of Traffic—Parking Regulations, 1980".

By the Minister of Arts (Hon. C. M. Hill)—

Pursuant to Statute—

South Australian Museum Act, 1976-1978—"Museum Regulations, 1980".

QUESTIONS

WOODCHIP INDUSTRY

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Attorney-General, representing the Premier, a question on wood chipping in the South-East.

Leave granted.

The Hon. B. A. CHATTERTON: I think all honourable members are aware that the Minister of Forests has sold the Government's share in the joint venture called Punwood to the Indian partner, and has also signed an agreement with the Indian partner Panalur Paper Mills to establish a wood chipping facility in the South-East by 31 August this year and at a future date to establish a T.M.P. pulp mill also in the South-East. This is an extremely important project not only for the South-East but also for South Australia generally, as it is estimated that it will bring to the South-East at least 300 jobs, which compares quite well with other projects such as that at Redcliff. I am somewhat concerned that this project does not seem to be proceeding as fast as it could, because there seems to be some difficulty in the Indian company's acquiring suitable industrial land in the South-East. I have been told that one of the problems is that the project falls somewhat between two stools, as it is not clear whether it is the job of the Woods and Forests Department or of the Department of Industrial Development to assist the Indian company to purchase the land.

Since this is such an important project for the State, can the Attorney-General say what assistance is being provided to the Indian company to purchase land suitable for a wood chip facility, and later for a T.M.P. plant, and is the Industrial Development Department actively involved in assisting this company, as it would any other industry which would provide 300 jobs for the State?

The Hon. K. T. GRIFFIN: As I do not have the information readily at my fingertips, I shall refer the matter to the Premier and bring back a reply.

LOCAL GOVERNMENT FINANCE

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Local Government on Commonwealth finance for local government.

Leave granted.

The Hon. M. B. DAWKINS: In March of this year, I asked the Minister the following question:

> Honourable members will know of the Federal Government's election promise in 1977 to increase local government's share of the personal income tax collection to 2 per cent within the life of the Parliament. Councils generally have welcomed this proposal and have been looking forward to the full implementation of the scheme, which has been partly implemented over the three-year period. I understand that late last month—

and that was February—

> the Federal Government said it would implement the final stage of the promise. Is this correct and, if it is correct, when will it come into effect? Can the Minister indicate the benefit to local government in South Australia?

At that time the Minister indicated that he understood that local government in South Australia would receive a further $3 700 000 in 1980-81 as a result of the Commonwealth's increasing its distribution of personal tax collections from 1·75 per cent to 2 per cent as from 1 July this year. As it is obvious that the figures given for this year were estimates, because the exact sum which will make up the 2 per cent will not be known until taxation receipts are all in for the current year, can the Minister say what local government in South Australia can now expect from this source of revenue?

The Hon. C. M. HILL: The honourable member is aware that the total of revenue-sharing funds available for distribution to local government in any one financial year is calculated on the actual income tax collection for the previous year. Therefore, the amount to be distributed in the 1980-81 year is based on the final figures for tax collections in the 1979-80 financial year. These are unlikely to be known exactly before early August this year. From time to time, however, estimates become available. As a matter of practice, my officers provide conservative estimates during the year to avoid creating expectations that might later prove too high. At the moment, the estimate for South Australia is $26 000 000, and at this stage that appears to be the most likely result. If this is the outcome, this will represent an increase of some 35 per cent on last year's distribution, which was just over $19 000 000. Although some variation may well occur, local government in South Australia will benefit greatly from the tax-sharing commitment of the Commonwealth Government, in particular the increase from 1·75 per cent to 2 per cent in the share of personal income tax collection.

SHACKS

The Hon. J. R. CORNWALL: I seek leave of the Council to make a short statement prior to addressing a question to the Minister of Local Government concerning the District Council of Willunga.

Leave granted.

The Hon. J. R. CORNWALL: One of my first actions when I was appointed Minister of Lands on 1 May last year was to raise the question of the then Government's policy with regard to shacks, which I considered to be unsatisfactory. The Cabinet at that time appointed a subcommittee to revise the policy, and in August last year

adopted a new policy. Under that new policy, all shack owners in so-called non-acceptable areas were to be given life tenure, with no further transfer. There was also provision for one sale if the owner desired prior to 1984 with a 15-year lease.

The only exception involved shacks in national parks which were not exempt from previous policy. Other than that, all decisions prior to the 1976 policy and those based on the 1976 policy were to be rescinded. The then Opposition adopted a "me too" policy and went to the election with identical guidelines and with an identical policy. Indeed, on 27 November 1979 the present Minister of Lands, Mr. Arnold, wrote to all councils in South Australia expanding on and explaining just what that policy was. Among other things, he said:

> Those councils exercising direct tenure control of shack sites are expected to apply the new policy in a responsible manner, failing which control will be resumed by the Government.

Further, in the outline of policy, the guidelines state:

> In cases where indefinite retention of the shacks may lead to public disadvantages in the future, the present shack owner will be given the option of—
>
> 1. retaining ownership and use of the shack for life.

That means that the lease would not be terminated or the shack removed until the death of the shack owner and any surviving spouse. It is further stated:

> As at present, local government will be expected to apply this policy in those areas where councils exercise tenure control. Failure to comply will result in resumption of the control by the Government.

I believe that is a quite clear and an unequivocal statement of the Government's position. Resumption of tenure control under the Crown Lands Act is a relatively minor procedure and it does not involve any retrospectivity in any normally understood definition of the term. Clearly, the Government is at present countenancing a broken promise with respect to the Willunga District Council. The Government is going back on its word under pressure.

Is the Minister aware that the present policy of the Willunga District Council is a clear breach of Government policy? Has he spoken to the Willunga District Council about its continued refusal to follow the Government's shack policy? Does the Government intend to resume tenure control of shack sites at Aldinga? What other action, if any, has the Government contemplated? Is the Minister aware that on several occasions during the period of the Labor Administration tenure control was resumed from councils because of failure to follow Government policy? There is a clear precedent for the Government to follow that policy.

The Hon. C. M. HILL: I have not been in touch with the Willunga District Council in relation to this matter. I notice in today's press that the Chairman of that council is very adamant that the council's policy should be carried out. I understand from what he said that satisfactory arrangements had been reached between the council and shack owners in relation to 16 shacks and that there was dispute regarding only four of them. My colleague, the Minister of Lands, who administers this area of shack control, has had communication with the council, and I am sure he will continue with that communication. Generally speaking, of course, the Government respects the autonomy of local government, and I was a little surprised at the latter part of the honourable member's explanation, because I have a copy of a letter in front of me which was written by the Director-General of Lands in 1977 during the term of the previous Labor Government. That letter deals with this question to some extent at Aldinga Beach. The paragraph that caught my eye reads:

> The Minister of Lands [that is, the Minister of Lands in the Labor Party] has determined as a matter of policy that, where local government authorities have commenced a programme for the removal of shacks before the Government's present shack site policy was determined, that programme should proceed.

It seems to me that that would have been the previous Government's policy. Of course, the honourable member is on very shaky ground when he asks this question. If he wants a full explanation of the Government's view about shack sites, I shall be pleased to refer that matter to the Minister of Lands and bring down a reply.

The Hon. J. R. CORNWALL: This is a supplementary question. Does the Minister agree that the previous Government's policy, which was agreed upon and publicly announced in August 1979, takes clear precedence over any other policy, and was that policy the one adopted by the Liberal Party and publicly espoused in the election campaign last September?

The Hon. C. M. HILL: No: I understand that the two policies were not the same at all.

SITTINGS AND BUSINESS

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Minister of Local Government a question involving the Subordinate Legislation Committee and the disallowance of regulations.

Leave granted.

The Hon. N. K. FOSTER: Last week I was somewhat disturbed when matters which were the subject of a report by the Subordinate Legislation Committee were adjourned by the Minister in this Chamber. I looked at the Hon. Mr. Hill at the time, questioning whether those matters would be dealt with tomorrow, and I understood from the Minister that they would be. However, I am further disturbed that, when these matters come on tomorrow and the Hon. Mr. Hill is given the call, he may further adjourn them, so that, with the session ending on Thursday, there will be no opportunity for the wishes and deliberations of the committee to be considered by this Council. The minutes of the committee have been tabled and state:

> No. 110—Public Service Act—Reduction of Salary—Hon. Mr. Foster moved that the committee recommend disallowance in both Houses, but the motion lapsed for want of a seconder.

I point out that my colleague on the committee from this side of the Chamber is overseas, as is a Government member of the committee, although I point out that Party politics do not play a great role in most of the matters that come before the committee. The minutes continue:

> Resolved, on motion of Hon. Mr. Davis, that the committee take no action on this paper.
>
> Resolved, on motion of Hon. Mr. Davis, that evidence received by the committee be tabled and the motion for disallowance be formally moved in both Houses to facilitate debate but advising that the committee does not recommend disallowance.

The minutes further state:

> No. 143—Corporation of Brighton, By-law No. 1—Bathing and Control of Foreshore. Hon. Mr. Foster moved that no action be taken on this paper, but the motion lapsed for want of a seconder. Mr. Glazbrook moved that the committee recommend disallowance in both Houses.

The committee divided and the result in this matter was similar to that involving my motion, namely:

> Resolved, on motion of Hon. Mr. Davis, that evidence be tabled and the motion for disallowance be formally moved in

both Houses to facilitate debate but advising that the committee does not recommend disallowance.

I am concerned that I may be denied the opportunity of discussing in this Council tomorrow the matters that were the subject of decision by the committee, because it is completely in the hands of the member taking the adjournment in this Council, and in this case it was the Hon. Mr. Hill. Will the Minister give a firm undertaking that the Subordinate Legislation Committee report involved in the Order of the Day adjourned on Wednesday 4 June will be the subject of debate tomorrow, Wednesday 11 June? Was the Hon. Mr. Hill aware of the deliberations and decision of the committee when he took the adjournment last week?

The Hon. C. M. HILL: There was no intention on my part to stifle debate on these matters. I simply wanted to find out more about the issues concerned, including some of the matters which the honourable member had raised involving voting in the Subordinate Legislation Committee. I knew that there would be a further period for debate tomorrow and that the Council would have full opportunity to debate the issue.

The Hon. N. K. Foster: You won't further adjourn it?

The Hon. C. M. HILL: No, I have no intention personally of further adjourning it.

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about Government business.

Leave granted.

The Hon. C. J. SUMNER: Honourable members will be aware that on the Notice Paper tomorrow is an Order of the Day for a second reading debate on a Bill that I introduced to amend the Residential Tenancies Act. Honourable members will be aware also that, in my second reading explanation, I said that this was to correct an anomaly resulting from a judicial decision following the introduction of the Residential Tenancies Act in 1978.

As a result of this decision, periodic tenancies entered into prior to December 1978 are not covered by the Act, despite the fact that at the time the Act was passed it was considered that they were covered. I received representations on this point following the decision of Mr. Justice Mohr in the Supreme Court in August last year. At that time, a review of the Residential Tenancies Act was in progress within the Department of Public and Consumer Affairs, and I asked for this issue to be considered as part of that review. I gave an undertaking to the Tenants Association, which made representations to me, that if the general review was not completed before the sitting ended prior to Christmas last year I would introduce a separate amending Bill to correct the anomaly. That is what I have done, and the Bill is on the Notice Paper for tomorrow. I understand that the Tenants Association made similar representations to this Government following the election last year and that it has now received a reply from the Premier as the responsible Minister. The Premier's statement is as follows:

> Due to the heavy legislative load in the coming short session of Parliament it will not be possible to have any amendments drafted for the June session but would suggest that you speak again with the responsible Minister to put forward your case.

It is not my duty to advise the Council on whether there is a heavy legislative load.

Members interjecting:

The PRESIDENT: Order!

The Hon. C. J. SUMNER: I would have thought that the Premier was finding an excuse for a failure to act on these representations. I have done the Government the favour of having the Bill drafted and introduced, and it is on the Notice Paper for tomorrow. I give the Attorney-General and the Government an undertaking that we on this side will not further debate the issue and will facilitate its passage through the Council and, likewise, in respect of my colleagues in the House of Assembly. Accordingly, in view of the fact that it was possible only last week to have a motion passed by this Council and the other House in the course of an afternoon, will the Attorney-General make Government time available to allow this issue to be debated in the Council and the Bill to be passed, and for the same to happen in the Lower House before Parliament rises at the end of the week?

The Hon. K. T. GRIFFIN: I am not prepared to pre-empt the discussion on a debate on a matter that is already on the Notice Paper for tomorrow. The matter of time being made available for the consideration of certain business must always be taken in the light of the business of the day and, when we get to the debate on this matter tomorrow, we will then be in a better position to assess what time is or is not available. I am not prepared now to embark on a debate on the merits of this Bill. Tomorrow is the appropriate time for that debate.

BUSINESS REPORT

The Hon. J. E. DUNFORD: I seek leave to make a statement before asking the Attorney-General, representing the Premier, a question on a proposed Government business report.

Leave granted.

The Hon. J. E. DUNFORD: The 9 June issue of the *News* contained a report which states that the Government is to issue fortnightly to 200 selected businesses throughout the State a newsletter indicating what it is doing to assist business and the economy.

The Hon. Frank Blevins: It will be very brief.

The Hon. J. E. DUNFORD: I do not know whether or not it will be brief. However, it certainly is an interesting document, as even the Premier's own statement in the report states that, since coming to office, the State Government has put maximum effort into building a competent investment environment. The Premier continued:

> Many of its initiatives have gone virtually unnoticed by the people directly involved in economic growth.

I am one of those people.

The Hon. R. C. DeGaris: You're a slow developer.

The PRESIDENT: Order!

The Hon. J. E. DUNFORD: I am not too slow, although the honourable member has been since he was placed on the back bench. I am, as will be many people when they read it, most interested in this article. I hope that, instead of seeing adverse reports, we will soon see good reports about what is happening in South Australia. The Government has given money to General Motors-Holden's for a plastics industry. However, we did not know that half of the plastics industry would be closed down at Edwardstown.

The PRESIDENT: Order! I think that the honourable member ought to return to his explanation.

The Hon. J. E. DUNFORD: You, Sir, can understand my concern about this matter. Will the Attorney-General ask the Premier to make available to the Opposition and to the United Trades and Labor Council the proposed Government business report, referred to in the 9 June issue of the *News*, which report will be received by 200 businesses throughout South Australia?

The Hon. K. T. GRIFFIN: The intention of this bulletin is to provide to business information about the way in

which the industrial and commercial atmosphere in South Australia is progressing. I do not see that it will be a secret newsletter. If it was, the honourable member would undoubtedly have ways of gaining access to it.

The Hon. J. E. DUNFORD: On a point of order, the Minister is saying that, if this was a secret document, I would have access to it. That is a gross reflection on me.

The PRESIDENT: Order! I think the Attorney-General said that the honourable member might have difficulty in obtaining access.

The Hon. J. E. Dunford: No, he didn't.

The Hon. K. T. GRIFFIN: I said that, if there was confidential information, the experience of the past week would indicate that honourable members opposite would have some opportunity to gain access to it, and that is not a reflection on any Opposition member. The question of access to the business report is a matter for the Premier. As I have said, I am not aware that it is a secret document: it is an information bulletin designed to keep industry and commerce up to date with what is happening in South Australia. I will refer the honourable member's request to the Premier and bring back a reply.

ROSEWORTHY AGRICULTURAL COLLEGE

The Hon. FRANK BLEVINS: I believe that the Minister of Local Government has a reply to a question regarding Roseworthy Agricultural College that the Hon. Miss Levy, who is at present absent on Commonwealth Parliamentary Association business, asked on 17 October 1979, which is 32 weeks ago. While the Minister is answering this question, will he tell the Council whether eight months is the longest time (a record in this Parliament) taken by a Minister to answer an honourable member's question?

The Hon. C. M. HILL: I will give a small explanation to the honourable member in order to help him. I point out that my colleague the Minister of Education has already spoken to the Hon. Miss Levy. My colleague's officers have advised me that they understood that no further action was necessary in relation to this question. However, in an attempt to help some members opposite, I gave a blanket instruction that all answers that had been given verbally or by letter ought to be brought down and placed in *Hansard* in order to give further clarification of the matter involved. That is why I now bring down the following reply.

It is not intended to release copies of the Schulz Report into the operations of Roseworthy Agricultural College. The Government has not provided additional financial assistance to the college but has made arrangements for the college's overdraft to be extended and has seconded a senior financial adviser from the Department of Agriculture to assist in a review of the financial operations of the college.

The Hon. FRANK BLEVINS: In view of the Minister's statement that the question has already been answered directly to the Hon. Miss Levy, will the Minister say on what date that advice was so given?

The Hon. C. M. HILL: I do not have the date on the file with which my officers provided me late last week. However, I will read the wording in the docket so that there is no misunderstanding about what I have said being correct. The docket states:

> Education Minister has spoken to the two M.L.C.'s—

the other M.L.C. involved being the Hon. Mr. Dawkins, with whom I intend later this afternoon to discuss the matter—

> He—

that is, the Minister of Education—

> is in Sydney and cannot be contacted until Monday. His officers advised that they understood no further action was necessary. However, in view of your request to publish the answers in *Hansard*, they need to seek further clarification from the Minister.

I have no doubt that they have sought that today.

SINGLE PARENT HOUSING

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to directing to the Minister of Community Welfare a question on the subject of single parent housing.

Leave granted.

The Hon. R. C. DeGARIS: From research and papers I have read on studies undertaken in the States by, I think from memory, a university group, it appears that the cost of housing to single parent families is creating quite severe financial problems for those families. Is the Minister aware of these reports, and has the department in South Australia undertaken any studies of the cost of housing and the impact on the budget of single parent families? If not, will he, if satisfied that a problem could exist in this area, undertake a departmental study into the position of single parent families and the cost of housing in South Australia?

The Hon. J. C. BURDETT: Very recently, I became aware of the studies, and this morning I asked my department to inquire into the matter of the burden which the cost of housing imposes on single parent families. My department, of course, is not a housing agency, and I have suggested that the department should seek co-operation, if necessary, with the department dealing with housing. I have implemented this inquiry.

FOREST HARVESTING

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Forests, a question in relation to forest harvesting.

Leave granted.

The Hon. B. A. CHATTERTON: The member for Salisbury in the House of Assembly asked a Question on Notice concerning the Government's policy towards open tendering for contracts to harvest logs from the forests of the South Australian Woods and Forests Department. A reply to the question was given last week indicating that the department has operated a contract for harvesting and hauling of logs which was let under an open tender system in May 1979. The reply goes on to say that it is intended that the system of open tendering for harvesting and haulage contracts be expanded. Can the Minister say to what extent the department intends to expand the system of open tendering for the harvesting and hauling of logs? Will all harvesting and hauling of Woods and Forests Department logs for the coming year be let on an open tendering system?

The Hon. J. C. BURDETT: I shall refer the honourable member's question to my colleague and bring back a reply.

ROSEWORTHY AGRICULTURAL COLLEGE

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking the Minister of Local Government, representing the Minister of Agriculture, a

question on Roseworthy Agricultural College.

Leave granted.

The Hon. M. B. DAWKINS: On 23 October 1979, I also asked the question of the Minister of Education regarding the Roseworthy Agricultural College, and I want to say that the Minister did confer with me several months ago, as indeed I believe he did with the Hon. Miss Levy, and gave me an answer at that time. Having received that reply, I did not seek further clarification, but, in order that the Minister's reply may be recorded in *Hansard*, I now ask the Minister of Local Government whether he has it available.

The Hon. C. M. HILL: The honourable member will be aware that I have refrained from answering this question until now out of deference to the wishes of the college council. The Minister of Education has kept him informed of progress in the meantime. The position is that the Government recognises the great value of Roseworthy to the State over many years and, to ensure that that continues, has made arrangements to extend the college's overdraft and has appointed a senior financial adviser from the Department of Agriculture to assist in a review of the college's financial operation.

SHACKS

The Hon. J. R. CORNWALL: I seek leave of the Council to make a short statement prior to directing to the Minister of Local Government a question concerning shacks policy.

Leave granted.

The Hon. J. R. CORNWALL: The Minister of Local Government said earlier that the Liberal Party's shacks policy prior to the election last year was not identical to that of the former Government. I am not aware of any substantial difference which was evident in the pre-election period. However, the Government, in the guidelines which were issued on 27 November last year (the present Government, that is), went further. The guidelines stated, among other things:

> All non-acceptable shack sites will be reassessed to determine whether long-term disadvantages to the community may result if the shacks remained permanently.

In other words, the Government at that time had a clear commitment to revise the so-called "non-acceptable" classification which applied to 86 per cent of shacks in the State, and to investigate the possibility of allowing some shacks to stay permanently. Now, in a remarkable example of the incompetence and indecision which has characterised this Government, it has moved from consideration of permanent tenure to insisting on removal of the shacks at Aldinga in less than three weeks—a remarkable example indeed. I shall ask the Minister slowly, because he seems to have some difficulty in picking up the questions at times, from the manner in which he answers them. Can the Minister say in what details was the policy of the Liberal Party different from that of the Labor Party at the time of the last State election? Secondly, is the Government's action regarding shacks at Aldinga a clear breach of a firmly stated election policy?

The Hon. C. M. HILL: It was always my firm impression that there were differences between the policy of the Labor Party and that of the Liberal Party on shacks at the time of the last election.

Members interjecting:

The Hon. C. M. HILL: If the honourable member wants me to compare them detail by detail, I will have to do that, and for that purpose I will need a copy of the honourable member's shacks policy for the last election. Like most of his policies, I would think it would have been well discarded as a result of what the people of this State thought of them on 15 September. If the honourable member is still holding a copy of his Party policy, and treasuring it, hoping that in future he might be able to resurrect it with some more success than he had last September, and if he can provide it to me, I am prepared to compare the policies. However, it would be more appropriate for me to ask my colleague who handles the area of shacks administration to bring down some details for the honourable member pointing out the difference between those two policies. What was the second question?

The Hon. J. R. Cornwall: Is the Government in clear breach of a firmly stated election policy regarding shacks at Aldinga?

The Hon. C. M. HILL: The answer is "No".

LAW DEPARTMENT STAFF

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to directing a question to the Attorney-General and Leader of the Government on the question of dismissal of Government employees.

Leave granted.

The Hon. C. J. SUMNER: I have had drawn to my attention that certain people who have been up to the present time employed in the Law Department, and especially in courts in various parts of the State, as cleaners have had their services terminated.

Members interjecting:

The Hon. C. J. SUMNER: The Hon. Mr. Chatterton and the Hon. Frank Blevins remind me that the Government had a policy of no retrenchments, but it seems that this is a very selective policy and that the Government is indeed retrenching these cleaners. The situation for many years now at courts around the State—and Port Adelaide and Elizabeth have been given to me as examples—is that cleaners have been employed by the Law Department on a casual basis.

I have been informed that, particularly at Elizabeth, people who have been doing this work have been doing it for the last 11 or 12 years and that recently they received what in effect is a month's notice to say that their services were no longer required in their present capacities. Apparently, the Government will now have this cleaning done on a contract basis. Nevertheless, the people who have been working for the Government for 11 or 12 years—albeit on a casual basis, but nevertheless a permanent casual basis—are now being dismissed by the Government, despite the clear undertaking given by the Government before and since the election that there would be no retrenchments of Government employees. I point out that this is a clear example of retrenchments within the Attorney-General's Law Department.

Is the Attorney-General aware of the problem that I have outlined? In view of the Government's stated policy that there will be no retrenchments of people employed in the Government's service, will he take immediate action to have the decision reversed?

The Hon. K. T. GRIFFIN: My understanding of the position is that court rooms throughout the State have been cleaned by not casual employees but by persons who have been employed on a contract basis. I believe that there has been a review in accordance with what has been a long-standing policy of periodical reviews and that as a result of those periodical reviews some changes have taken place or are to take place in the way in which the cleaning of courtrooms and other facilities associated with courts is undertaken.

In some areas the persons who have been cleaning the court rooms and other facilities on a contract basis will be continuing on that basis. There are some who did not want to continue and there are others whose tenders for the task have not been competitive with other tenders. I cannot recollect the details in relation to any particular court, but I will have some inquiries made. It is not in conflict with the Government's established policy in relation to no retrenchments. That policy relates to no retrenchments of Government employees and says nothing about the competitive tendering system where contractors undertake certain functions for the Government. In relation to the present situation, I believe that the contract basis upon which cleaners have previously been employed is being retained. I will have further inquiries made as to the exact details to ensure that the recollection that I have is an accurate one.

HILLS BUSH FIRE

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Attorney-General a question about the Hills bush fire.

Leave granted.

The Hon. BARBARA WIESE: Since the Ash Wednesday bush fire in the Adelaide Hills in February this year the Government has repeatedly denied requests for assistance from the bush fire victims over and above the $125 000 made available to the Lord Mayor's Bushfire Appeal. It has done this on the grounds that no Government should provide full compensation to such people, because that would discourage them from taking out private insurance.

Last Thursday night the Hon. Mr. Foster and I attended a public meeting that was attended by more than 60 bush fire victims. We gained a very good appreciation of the hardship that many of these people have suffered since the fire and the unfair delays that they have been subjected to by insurance companies and banks. I am planning to take up some of these problems on an individual basis on behalf of the victims. The Government's attitude concerning these people seems to show an extraordinary ignorance of their plight.

For this Government to believe that it could fully compensate the victims of a natural disaster of this kind, even with the best will in the world, is quite ludicrous. How does one compensate people for the tender care that they have put into their houses and gardens over many years? How does one compensate people for the loss of baby photographs and other treasured possessions? For the majority of fire victims, this setback means that they will be struggling to regain some measure of financial security for the remainder of their lives. They now need some sort of assistance to clear up after the fire and to prepare their properties for rebuilding. The cost involved will be considerable. These sorts of costs cannot be covered by insurance policies. The proceeds of the Lord Mayor's Bushfire Appeal are certainly not sufficient to cover the needs of most of the people requiring assistance. Will the Government give urgent consideration to making further funds available for those people whose plight is becoming more serious as the winter proceeds?

The Hon. K. T. GRIFFIN: The honourable member has indicated that she feels that a great deal of the problems that were brought to her attention at the meeting she and the Hon. Mr. Foster attended resulted from unfair delays with insurance companies and banks. That suggests that already those persons who have suffered loss have some claims with either insurance companies or banks or in fact that there is some other means of reimbursement for their loss. Therefore, the matter is not one for the Government but one for discussion with those insurance companies and banks. I do not know why there might be delays and I do not know whether or not they are unfair.

The Government has indicated that administering and assessing the claims by those people who have suffered loss as a result of the bush fire in February this year is the responsibility of the Lord Mayor's Bushfire Appeal Committee. The Government's information is that that committee has processed claims and determined priorities with a view to assisting those who are in greatest need. It is not possible for Governments to step in and meet the claims for all sorts of matters that the honourable members and others have referred to from time to time, because Governments are just not in a position to be able to do that. For example, the honourable member has said, I believe incorrectly, that the cost of cleaning up a site and preparing it for rebuilding is not one against which one can insure. The fact is that one can insure for that loss. The cost of removal of debris and demolition is very much an integral part of insurance policies that cover individuals against the loss and damage suffered from fires. Therefore, it is patently incorrect to say that that is something against which one cannot insure.

If there are any claims that the honourable member can draw attention to that have not been processed by the Lord Mayor's Bushfire Appeal Committee, I suggest that they be drawn to the Lord Mayor's attention. If there is any continuing difficulty, it should be then drawn to the attention of the Premier. Provided that the guidelines have been met, the committee would be in a position to process favourably the claims that are made, to meet those claims for urgent assistance as a matter of some priority. As I have indicated, the Government cannot accept all liability for all the consequences of any emergency or disaster situation.

The Hon. N. K. Foster: You can accept some, can't you?

The Hon. K. T. GRIFFIN: Sure, we can accept some, especially for people in circumstances where they are not adequately covered through no fault of their own. Where people are fully or partially insured and have their urgent needs met, it is not for Governments to assume the total overriding responsibility for the loss that they have suffered.

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking the Attorney-General a question about the Hills bush fire.

Leave granted.

The Hon. N. K. FOSTER: I have never yet stood in this Chamber or at a meeting and heard such rubbish and such an abdication of responsibility in my entire life.

The Hon. L. H. Davis interjecting:

The Hon. N. K. FOSTER: Davis, shut up!

The PRESIDENT: Order!

The Hon. N. K. FOSTER: Thank you, Mr. President.

The PRESIDENT: Order! The honourable member will not be thanking me at all. I do not wish the Hon. Mr. Foster to use that type of remark to the Hon. Mr. Davis. I appeal to the Hon. Mr. Davis, because he does have the effect of annoying the Hon. Mr. Foster.

The Hon. N. K. FOSTER: I refer to a letter from the Hon. Mr. Goldsworthy dated 21 April 1980. At that time he was Acting Premier and was replying to correspondence he had received from a person I cannot name, because I have not received his permission to do so. The letter reads:

> This year we have suffered a thunderstorm which mainly affected Port Broughton, Two Wells, Barossa Valley and the

Riverland, and a flood at Port Pirie.

After mentioning the February bush fire, the letter continues:

> I understand that the State Coroner will hold an inquest into the cause of the fire and that will, of course, be open to the public. You should be aware, however, that the Government sees no reason why it should assume liability for full damages, whatever the outcome. I am surprised that you should entertain such a possibility.

That is drawing a rather long bow to the letter, which I will not read, although it is clear that not full restitution is being sought. Some form of assistance is being sought. Honourable members should cast their minds back to Darwin, a disaster of greater magnitude, and see the precedent established by a Labor Government in respect of personal loss. I refer to a letter on this matter from Mr. Tonkin, as follows:

> Your recent letter regarding your financial situation following the bush fire was waiting for me on my return from overseas and I was sorry to learn of your position.

If that is his attitude, I hope at least that he had a bloody good time while he was away. The letter continues:

> The South Australian Government, in common with other Governments, is not able, however, to ensure that all victims of natural disasters such as storms, floods and bushfires are fully compensated. If such a precedent was set, a significant number of people would cease insuring their homes.

That is nonsense. I said from the outset, two or three days or even a week after the fire, that the Government would hide behind the Lord Mayor's appeal, that it was going to lie behind the do-gooders and the voluntary subscriptions. This was confirmed when the Government contributed only a few lousy thousand dollars to the appeal. The Government has not given any consideration to this matter, yet it is within the ambit of Government. What has the Government done about sales tax exemptions on items required for rebuilding houses?

Will victims of the bush fire be charged again for Engineering and Water Supply Department services when seeking to re-establish themselves? These are only a couple of areas of my concern. People will be taxed to the eyeballs in house re-establishment costs. Certainly, I will raise many other matters when the Council resumes its sittings later. I will not take up much further time now as the Minister is to deal with the matter concerning local government and whether the Constitution should more adequately recognise local government in future. I point out to the Government that, whatever the political complexion of the Stirling council, it should reimburse that council. Will the Government accept its responsibility in respect of the Stirling council and reimburse it and pay for the cost of the removal of bush fire debris in public areas which in the interests of public safety and in the interests of local residents should be removed but at a cost not representing a further tax on those people?

The Hon. K. T. GRIFFIN: I am not aware of what representations have been made by the Stirling council.

The Hon. N. K. Foster: Your Premier has made a public statement about it.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: I will seek some information. The honourable member said in his statement, which was not particularly brief, that the Government is hiding behind the Lord Mayor's appeal committee.

The Hon. N. K. Foster: So you are. It is inadequate.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: With respect to this, the fact is that the guidelines, as I understand them, administered by the Lord Mayor's appeal commmittee, are similar to those which applied in respect of the disasters at Port Broughton, Port Pirie and Port Lincoln in the past six months. The contribution that the Government made in respect of the bush fire and the way in which assistance has been granted is consistent with the Government's attitude and activity in each of those three other situations.

REMISSIONS

The Hon. C. J. SUMNER (on notice) asked the Attorney-General:

1. Since 15 September 1979 how many remissions of sentence, fine, drivers' licence suspension or other acts of Executive clemency have been made by the Governor-in-Council?

2. Will the Attorney-General supply in relation to each case the following information:

(a) name;

(b) date of Executive Council Order;

(c) extent of and reasons for the remission?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. Eleven.

2. It is not intended to give the information requested, because to do so may give additional unwarranted publicity to persons who have already been punished. In four cases there was a remission of five days imprisonment in accordance with usual practice in recognition of efforts in fighting bush fires. Four cases were remission of fines under the Road Maintenance (Contribution) Act. One case was a pardon for a conviction for littering where the hearing on the instructions of a council proceeded incorrectly. One case removed the remaining period of disqualification of a driver's licence for 15 years where the defendant had been an alcoholic but according to medical advice has been rehabilitated and is fit to drive. One case related to the quashing of an inadvertent conviction for overloading where the defendant had already been convicted of an offence arising out of the same circumstances.

The PRESIDENT: Call on the business of the day.

LEAVE OF ABSENCE: HON. ANNE LEVY

The Hon. FRANK BLEVINS: I move:

> That two months leave of absence be granted to the Hon. Anne Levy on account of absence on Commonwealth Parliamentary Association business.

Motion carried.

SELECT COMMITTEE ON URANIUM RESOURCES

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

> That the committee have leave to sit during the recess and to report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON CERTAIN LOCAL GOVERNMENT BOUNDARIES IN THE NORTH OF THE STATE

The Hon. C. M. HILL (Minister of Local Government) brought up the final report of the Select Committee,

together with minutes of proceedings and evidence.

Report received and read.

FINAL REPORT

On 26 March 1980 an interim report of this committee was presented to the Legislative Council (P.P. No. 160/1980) incorporating a recommended address to His Excellency the Governor praying that the boundaries of the City of Port Augusta be altered and consequential changes be made to other local government bodies in the area. In its interim report your committee stated that it required more time to consider the position in regard to the boundaries of the District Councils of Hawker and Kanyaka-Quorn.

Your committee has the honour to report:

1. Your committee met on six occasions since its interim report.

2. Advertisements were inserted in the *Advertiser* and *The Transcontinental* advising interested persons that the committee would visit the areas under consideration to receive evidence.

3. The names of persons who appeared before the committee subsequent to the interim report are attached as appendix "A".

Your committee met at Quorn and Hawker so that interested persons residing in the areas under consideration would have adequate opportunity to give evidence. Your committee has examined the possibility of an amalgamation of the District Councils of Kanyaka-Quorn and Hawker and is of the opinion that the councils should exist as they are at this stage. Whilst your committee fears that eventually, due to their financial burden, the councils will find it necessary to amalgamate to combine their resources, the committee met only with opposition for immediate amalgamation. The councils were of the view that they were viable at least in the short term. Because of this view and because of the apparent strong affinity ratepayers have with their councils, your committee is of the view that it would be detrimental to force an amalgamation at this stage. Your committee also received evidence from pastoralists and business interests to the north of Hawker which is at present outside local government areas. There was strong opposition from this group against any move to force them into local government even though many enjoyed the services which the township of Hawker provides.

Your committee is of the view that their wishes should be noted and, therefore, recommends that no change occur. But, the committee is also of the opinion that the councils and people concerned outside of local government should open meaningful discussions to extend local council boundaries to their area (that is, as far north as Wilpena) and councils in the area concerned, namely, Carrieton, Hawker and Kanyaka-Quorn, should enter into meaningful discussion with the aim of future amalgamation. Your committee therefore recommends that no action be taken at this stage but suggests that the Department of Local Government review the matter again within the next three years.

NATURAL DEATH BILL

The Hon. FRANK BLEVINS: I move:

That the Select Committee on the Natural Death Bill have leave to sit during the recess and report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON ASSESSMENT OF RANDOM BREATH TESTS

The Hon. M. B. CAMERON: I move:

That the Select Committee have leave to sit during the recess and report on the first day of the next session.

Motion carried.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 June. Page 2198.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition supports this Bill, which is to amend the Constitution Act to entrench in the South Australian Constitution a reference to local government. It entrenches it by making reference to local government in broad and general terms by stating that there shall continue to be a system of local government in this State under which elected local government bodies are constituted with such powers as the Parliament considers necessary. It is entrenched in the Constitution because new section 64a (3) provides that the section shall not be removed from the Constitution Act unless the Bill for its removal is passed by both Houses of Parliament with an absolute majority in both Houses.

I would like today to dwell just briefly on the history of this Bill. I should say that the Bill was in the course of preparation before the election on 15 September, and I understand that the present Government has merely continued on with commitments which had been given by the Labor Government and which it was in the process of implementing before the election. The history of the recognition of local government in constitutions (the South Australian Constitution and, indeed, the Federal Constitution) dates back to the Federal Labor Government in 1972 to 1975—the Whitlam Government. The policy of the Whitlam Government, which it took to the people in 1972, contained specific reference to local government and to the problems of local government. A commitment was made for local government to have access to the Federal Grants Commission and that there ought to be a local government representative on the Loan Council.

Those commitments were made by Mr. Whitlam in his 1972 policy speech. Access was granted to local government to the Grants Commission, and money was made available by the Labor Government in the period 1972 to 1975 in the form of untied grants for local government to use in whatever way it saw fit. The sum of $57 000 000 was made available in the 1974-75 financial year and $80 000 000 in the 1975-76 financial year as money that could be disbursed through the Grants Commission to local government; that was untied money. So, the first leg of the Labor policy in 1972 was satisfied. The second leg, which was representation on the Loan Council, foundered because of the opposition of certain of the States. The only way that this policy could be carried out was either by members of the Loan Council (the Commonwealth and the six States) agreeing to a change in the financial agreement to provide for local government to have representation or, alternatively, for a referendum to be carried to amend the Australian Constitution.

Following the first Constitution Convention in Sydney in 1973, Mr. Whitlam undertook to confer with the State Premiers about this proposal for Loan Council representation. He did so but, unfortunately, there was not

unanimity on the Loan Council, as is required, and the proposal lapsed. To keep faith with the original proposal that had been put to the people in 1972, a referendum was put up in 1974 at the same time as the May Federal election, which was caused by the threat of the then Leader (Mr. Snedden) to block Supply—the first such threat that came from the Liberals during the course of the Whitlam Government and only 18 months after it had been elected. At that time, when Mr. Snedden threatened to block Supply, an election was called (which Labor won) and at that time there were a number of referendum proposals put to the people for amendments to the Australian Constitution.

One of those proposals was to insert in section 51 of the Constitution, which deals with the powers that the Federal Parliament shall have, a provision giving to that Parliament the power to pass laws relating to the borrowing of money by the Commonwealth for local government bodies. The existing provision, namely, section 51 (4), states that the Parliament may make loans relating to the borrowing of money on the public credit of the Commonwealth. This would have added a new provision 51 (4) *(a)*, relating to the borrowing of money by the Commonwealth for local government bodies.

That proposal was put up by referendum in May 1974, and was defeated, primarily, of course, because of opposition to it by the Liberal Party in the various States. Honourable members and you, Sir, will see that this question of recognition of local government at the Federal level and in the Federal Constitution was raised initially at the instigation of the Federal Labor Government in 1972. Honourable members will recall that in 1973 the Whitlam Government convened a Constitutional Convention, and in that year representatives from this Parliament went to Sydney, where the first Constitutional Convention since, I believe, Federation was held.

At that time, the question whether or not local government organisations ought to be represented at the convention was raised. The Whitlam Government strongly supported their representation at the convention. So, at each of the conventions since then, namely, at Sydney in 1973, at Melbourne in 1975, at Hobart in 1976, and at Perth in 1978, there has been local government representation. The move for local government to be given representation initially at the Sydney convention was made by Mr. Enderby, who was then a Minister in the Whitlam Government, and that representation has continued since then.

The Hon. R. C. DeGaris: He was credited with some remarkable statements.

The Hon. C. J. SUMNER: That may be so, but the honourable member is credited with one or two himself.

The Hon. R. C. DeGaris: I don't think I said that imports came from overseas.

The Hon. C. J. SUMNER: The honourable member did say that democracy was a galah cry and that the system under which his Government has been elected is the most vicious gerrymander ever seen. Nevertheless, I suppose that all politicians at times make statements that they later regret, and I am sure that the Hon. Mr. DeGaris and Mr. Enderby are no exceptions to that.

That motion relating to local government representation was moved by Mr. Enderby at the Sydney convention. The Melbourne convention was boycotted by a number of Liberals, and particularly by the Liberal States of Victoria and New South Wales. However, it was attended by Liberal representatives from this Parliament, and the question of local government and its role in the Constitution was squarely raised for debate. Indeed, there was significant debate and voting on that issue. The motion relating to local government moved at Melbourne in 1975 was as follows:

> That this convention—
>
> Recognising the fundamental role of local government in the system of government in Australia:
>
> Recognising that the traditional sources of revenue available to local government are inadequate:
>
> Declares that local government bodies should as a general principle be elected:
>
> Declares that the legislatures of the States and Territories should foster and encourage the role of local government in local matters:
>
> Recommends that—
>
> *(a)* the existing right of local government bodies to derive revenue from the rating of property in their areas should be maintained; and
>
> *(b)* the Commonwealth and State Governments should co-operate in investigating means by which local government bodies might be given access to sufficient financial resources to enable them to more effectively carry out their essential functions.

That motion was carried without a division. Two other motions were then moved. The first was that the Constitution be amended by inserting after paragraph (iv) of section 51 the following paragraph:

> (ivA) The borrowing of money by the Commonwealth for local government bodies constituted under the law of a State or Territory:

The other motion was to insert, after section 96, the following section 96a:

> The Parliament may grant financial assistance to any local government body constituted under the law of a State or Territory on such terms and conditions as the Parliament thinks fit.

Although the first motion was passed without a division, the other two motions to which I have referred raised some controversy, as the Liberals at the convention objected to them. They had in 1974 objected to the referendum proposal, and the first motion to which I referred and which dealt with the power of the Government to borrow money for local government bodies was in exactly the same terms as the referendum that had been rejected.

However, the Federal Government thought that the matter ought to be reconsidered by the Constitutional Convention and that a recommendation ought to be made by it. This was the first attempt, as a result of the efforts made by the Whitlam Government in 1972, to recognise local government in the Constitution, by giving to the Commonwealth Government power to borrow money for local government, and, secondly, by providing for a system of grants to local government similar to a system of grants that is now available from the Commonwealth to the States; this would have been done by the addition of new section 96a.

Those two proposals were supported by Labor members at the convention. Indeed, they were supported by the local government representatives there, except in relation to the second proposition, to which one local government representative did not agree. However, overall, local government representatives at the 1975 convention voted overwhelmingly for those two propositions, which, for the first time, would have recognised local government in the Australian Constitution.

Those opposing it were, generally, Liberals, and I am sad to say that some of those people still find their way into this Chamber. The Hon. Mr. Burdett, for instance, opposed the recognition of local government in the

Australian Constitution, as did the Hon. Mr. DeGaris. Messrs. Eastick, Evans and Goldsworthy in another place did likewise.

Nevertheless, at that convention, because there was a boycott by certain States, a motion was passed with a reasonably substantial majority and certainly with local government support. That was in September 1975, and the Whitlam Government was, unfortunately, defeated in November of that year, so that no action could be taken to implement those two propositions. However, I emphasise that that is where the question of recognition of local government arose back in 1972, when the Whitlam Government took action which was affirmed by Labor members at the 1975 Constitutional Convention.

The question of local government has received some consideration at subsequent conventions, and in October 1976, in Hobart, a motion was passed, relating to local government, as follows:

> That this convention, recognising the fundamental role of local government in the system of government in Australia, and being desirous that the fulfilment of that role should be effectively facilitated—
>
> *(a)* invites the States to consider formal recognition of local government in State Constitutions;
>
> *(b)* invites the Prime Minister to raise at the next Premiers' Conference the question of the relationships which should exist between Federal, State and local government; and
>
> *(c)* requests Standing Committee "A" to study further and report upon the best means of recognition of local government by the Commonwealth.

Now, although that was passed in 1976, very little has happened in relation to those proposals. The Bill now before us gives effect to the first proposition, namely, that the States should consider formal recognition of local government in State Constitutions, but I do not believe that the Prime Minister has taken his side of the bargain any further, namely, to try to discuss what should be the relationship between Federal, State and local government. I do not believe that Standing Committee "A" produced any report that was debated at the convention in Perth in 1978. Although in 1972, eight years ago, the Whitlam Government first mooted the matter of recognition of local government, and first provided concrete proposals for financial support for local government by way of grants and increased borrowing powers, very little has happened in concrete terms to recognise local government in Constitutions.

Admittedly, the present Federal Government has continued a system of grants by applying to local government a portion of the income tax revenue which it gets; that was continuing in a different form substantial support for what initially had been given through the Grants Commission by the Whitlam Government. It is all very well to talk about the system of grants, but one of the most important pegs of the Labor policy in 1972, the possibility that the Commonwealth would borrow money on behalf of local government, and local government representation on the Loan Council, has not been fulfilled. So, local government is still restricted by the fact that it needs a State guarantee to raise funds, and that, because of that, it cannot get funds on such advantageous terms as would be available if the Commonwealth were to use its borrowing power and its guaranteeing power to raise money on behalf of local government.

Whilst the grants situation has been fixed up and local government is in a better position as a result of the policies commenced by the Whitlam Government and carried on by the Fraser Government, in the area of borrowing the Liberals seem not to be interested in doing anything, and there is no doubt that local government representatives supported the fact that the Commonwealth should be able to borrow on behalf of local government at the 1975 convention. The present Government has done nothing about it, which means that local government has added restrictions on its borrowing capacity and on the terms on which it can borrow which it would not have had if the Liberals had not opposed the recognition that we sought to give local government in the Constitution, by referendum in 1974 and again at the Constitutional Conference in 1975. I thought I would give the Council some background history on this question of whether local government should find its way into the Constitution.

The Hon. N. K. Foster: It was never in the Constitution anywhere before that.

The Hon. C. J. SUMNER: Quite.

The Hon. N. K. Foster: And it preceded both State and Commonwealth Parliament.

The Hon. C. J. SUMNER: That is right, and the position Mr. Whitlam always gave local government was that it should have a place in the sun under our structure of Government. That was always opposed by the Liberals, because they did not want to see any diminution in the power of the States, and they wanted to keep local government very much under their wing and under the control of State Parliament.

The Hon. C. M. Hill: The centralisation of power—

The Hon. C. J. SUMNER: It has nothing to do with the centralisation of power. All it would have meant was that, in addition to the grants it is now getting, local government had the capacity to use the Commonwealth to borrow money on its behalf. The history I have outlined clearly indicates that an initiative impetus for this came from the proposal originally put to the people by former Prime Minister Whitlam in 1972. In view of that history, we support this legislation, which goes some way to providing, at least in the State Constitution, a recognition of local government. Presumably, we will have to await a decision of the Prime Minister or a change of Government at the end of the year to see local government find its true place, recognition in the Federal Constitution. I support the Bill.

The Hon. C. M. HILL (Minister of Local Government): I thank the Leader for his contribution and for his support of the Bill. However, I am by no means as enthusiastic as he is, and I can assure him that State Governments generally and local government generally throughout this State are not as enthusiastic as he is in his dreams of having local government power centralised in Canberra.

Members interjecting:

The Hon. C. M. HILL: That was the aim; it was to go into the Federal Constitution. Just as the Labor Party wanted to control all the States and take all the power from the States and centralise it in Canberra, doing away with the States, it wanted to effectively centralise local government power in Canberra, too. The Leader talks about the method of finance for local government which he believes Mr. Whitlam should have been able to introduce, and apparently he believes that local government would prefer it to the present system implemented by Mr. Fraser. Let me assure the Leader that local government in this State is well satisfied with its 2 per cent of annual tax collections, and the 35 per cent increase in revenue from this Commonwealth source which local government in this State will get in 1980-81 is something for which it is most thankful.

Local government looks with some fear, as does the State Government, at the situation espoused today in which the Leader, speaking on behalf of the Labor Party in this State, wants to see, if there is a change of

Government in Canberra, the whole system of local government and the vision which Mr. Whitlam espoused brought up once again.

Members interjecting:

The Hon. C. M. HILL: It is very interesting to hear the member talk about the Labor Party's initiative in this area.

The Hon. N. K. Foster: Where are your initiatives?

The Hon. C. M. HILL: I shall give one. It was Mr. Russack's private member's Bill that initiated the change before us today.

Members interjecting:

The Hon. C. M. HILL: It was not the Labor Party, as claimed by the Leader. In his opening remarks, the Leader said that this is, in effect, a follow-on from a Bill drawn up by the Labor Party prior to the last election, and he claimed the initiative for this measure on behalf of his Party. I am saying that, before that, a private member's Bill in another place introduced by a Liberal, Mr. Russack, initiated this move, but the then Government would not support it.

Now members of the Opposition come along with tears in their eyes and with great gratitude and joy in an attempt to tell the Government that they fully support the measure for which they are claiming some credit. The Opposition had years and years in Government when it could have given local government its proper due in this State. What did the Opposition do when in Government? The Labor Government would not do anything. It was a Liberal private member's Bill that initiated this action, and the Labor Government would not pass it. The Labor Government took it away and made all kinds of excuses why the Bill could not proceed. Little wonder why the people of this State threw the Labor Government out when it acted in that irresponsible way.

I remind the Leader that it is a matter of record that the then Premier, Mr. Dunstan, opposed local government representation on the Loan Council. All the Leader's submissions and all his arguments are an attempt to support his Party's original attitude to this matter, but he does not have the grounds that he claims he has to claim credit for this measure.

The Hon. C. J. Sumner: I didn't deny that. I said that Whitlam—

The Hon. C. M. HILL: You did not mention it, either, did you? Anyway, I am concerned with local government in South Australia. I am not concerned with living in the past and going back to 1972 or 1975. I am not greatly concerned in this context with the Federal question of local government, either. I am concerned that local government in this State has been seeking recognition in the Constitution of this State for a long time. At long last the Liberal Government has brought forward the appropriate measure in this Parliament. I thank the Leader for giving the Bill his and his Party's support, and—

The Hon. Frank Blevins: Much more than it warrants.

The Hon. C. M. HILL: —that will be a change from past procedure in this Parliament. That is an interesting interjection, and the Hon. Mr. Foster appears to agree with it. That shows the people in local government in this State what the Labor Party thinks of local government, and it echoes the Opposition's feeling towards local government. The Opposition does not have any regard or respect for local government. The Labor Party should be ashamed of that and it should change its attitude towards local government, because local government does a tremendous job for local communities throughout the length and breadth of this State. I do not believe there are any other points made by the Leader that need to be replied to.

The Hon. N. K. Foster: Explain the Bill.

The Hon. C. M. HILL: I explained the Bill during my second reading speech. If the Hon. Mr. Foster has any difficulty in reading or understanding that speech I will talk to him privately. That speech is much more lengthy than the usual run of second reading speeches. Indeed, I had the Hon. Mr. Foster in mind when I prepared it. I commend the Bill to the Council.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Constitutional guarantee of continuance of local government in this State."

The Hon. C. J. SUMNER: I do not wish to get into any great tangle with the Hon. Mr. Hill about local government's role in our society or its position in the Federal Constitution. However, in his summing up, the Hon. Mr. Hill seemed to take the opportunity to misrepresent what I said in my second reading speech. I said that the original initiatives for recognition of local government in the Constitution came from the Whitlam Government. I did not say that local government is not happy at present with the funding that it receives; that is, a fixed share of income tax revenue. I said that the system—not the precise system, but at least the impetus—of obtaining Federal funding for local government was introduced by the Whitlam Government. I did not say that the Labor Government would alter the present arrangements.

Further, honourable members will recall that I also said that local government lost out in the sense that it did not obtain the Commonwealth's authority or the capacity to use the Commonwealth to borrow moneys. As a result of the defeat of the referendum in 1974 and the attitude taken by the Liberals, that capacity does not exist in local government at present, and I said that that was a pity.

I would not wish what I said earlier to be misrepresented by the Hon. Mr. Hill and I place on record and repeat what I said independently of the Minister's misrepresentation. Does clause 4 restrict Parliament's power to legislate for local government and, in particular, does the Minister believe that it restricts the powers of Parliament to legislate on matters such as boundaries?

The Hon. C. M. HILL: I do not believe it restricts Parliament's power to legislate or endeavour to change local government boundaries in any way. That question might well apply to those areas in the north where there is actually a boundary between local government and the outback areas. The Bill does not apply to the outback areas of the State. There is separate legislation and a separate statutory body that administers outback areas with a form of local government.

Periodically, some of the outback areas do come within the provisions of the Local Government Act, and I instance what occurred when Port Augusta's boundaries were extended and the land on the western side of the gulf came within that category when previously it had been outside local government control. Of course, this provision will automatically apply to those areas that come within the provisions of the Local Government Act. I do not believe that in the ordinary course of changing boundaries any problem will arise.

The Hon. N. K. FOSTER: In respect of the Minister's unwarranted attack—

The CHAIRMAN: Order! The honourable member must relate his comments to clause 4.

The Hon. N. K. FOSTER: The Minister tried to tell the Committee that local government is absolutely free from any State or Federal Government interference or legislation. New section 64a (1) states:

There shall continue to be a system of local government in this State under which elected local governing bodies are constituted with such powers as the Parliament considers necessary for the better government of those areas of the State that are from time to time subject to that system of local government.

I said that the Bill did nothing, yet the Minister implied that local government was absolutely free of big government, and I have just quoted that new subsection to show that it is subject to this Parliament.

The Hon. C. M. HILL: Previously local government acted under the provisions of a separate Act of this Parliament. That Act could have been repealed by the State Parliament and members of local councils and councils staff would have automatically been ineffective. They would not have been operating under any Act of Parliament. After this Bill is passed people in local government will have the assurance that new subsection (3) will apply. Only under certain conditions applying to the introduction of future legislation, including the joining of both Houses of Parliament to repeal the Act by an absolute majority, can changes be made, and the Local Government Act will forever be on the Statute Book of this State. Previously, that assurance, guarantee and recognition did not apply. The Hon. Mr. Foster claimed that this Bill did nothing, but I have just explained what it does and how it alters the situation that applied in the past and will apply in the future.

The Hon. R. C. DeGARIS: If there is to be any recognition of local government in any Constitution, that recognition must occur in the State Constitution. The Hon. Mr. Sumner referred to votes cast by the Hon. John Burdett, myself and others at a Constitutional Conference where we opposed the recognition of local government in the Federal Constitution. I believe that that was a correct decision because local government is purely and simply a child of the State Constitution: it has no relationship to the Federal Constitution. Local government was established when the States were acting as separate identities. Federation took place after the establishment of local government. If there is to be any constitutional recognition it must occur in the State Constitution.

That is why the Hon. John Burdett and I, amongst others, opposed the recognition of local government in the Federal Constitution: we felt it was not applicable. I am pleased that recognition has been made in our Constitution Act, although every honourable member would appreciate, as the Hon. Norm Foster pointed out, that, although it does not do that much, it does do something. What it does, amongst other things, is first to give that constitutional recognition to local government; and, secondly, it means that any Bill that comes up that would provide for a cessation of a system of local government requires an absolute majority of the members of each House. In other words, the Local Government Act now will have the same protection that exists with the Constitution Act. That is the fundamental change the Bill makes: it places constitutional recognition of local government on the same basis as the Parliament of this State.

Clause passed.

Title passed.

Bill read a third time and passed.

CROWN LANDS ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. C. M. HILL (Minister of Local Government): I move:

That this Bill be now read a second time.

The object of this short Bill is to remove current restrictions on the surrender of leases issued under the Crown Lands Act for the purpose of granting a perpetual lease or an agreement to purchase, or the fee simple of the land, so that the Government's freeholding policy, particularly in regard to shacks located in areas classified as acceptable, may be implemented.

The policy in relation to shacks erected on waterfront Crown Lands is that holders of miscellaneous leases over sites classified as acceptable may, subject to the availability of satisfactory access, secure the freehold of their sites. Shack leases (that is, miscellaneous leases for holiday accommodation purposes) were first issued in July 1976, following an extensive investigation and rationalisation of the policy on the future use and occupation of waterfront Crown Lands.

The Act as it now stands, precludes the surrender of a lease for a grant in fee simple where the land concerned has not been held under lease for at least six years. This is an historical provision to ensure the satisfactory development of the State's agricultural lands and has no relevance to current circumstances and land management policies. Accordingly, this restriction is to be removed.

The sections of the Act dealing with surrender include provisos limiting the circumstances under which perpetual leases, agreements to purchase and fee simple titles may be granted on the surrender of existing tenures. These limitations have played their part in the satisfactory development of agricultural lands, and are now inhibiting the implementation of land tenure policies that are consistent with current land management strategies. This Bill removes these limitations and, as a result, the Minister of Lands will simply exercise a discretion in relation to the granting of fee simple interests. For example, an application to freehold certain land may be refused if the Minister decides that the land is required for public purposes.

Clause 1 is formal. Clause 2 amends the section of the Act that provides for the surrender of Crown leases for a perpetual lease or an agreement to purchase. At present, this section only applies to leases that are used for pastoral or agricultural purposes, or leases that are not required for subdivision or public purposes. These limitations are removed, with the result that the power to surrender under this section will be available in respect of any Crown lease. Clause 3 removes the same restrictions from the section of the Act that provides for the surrender of Crown leases for a grant of fee simple. The restriction relating to leases that have been in existence for less than six years is deleted.

The Hon. J. R. CORNWALL secured the adjournment of the debate.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 June. Page 2299.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition is prepared to support the second reading of the Bill but it will raise a number of objections to some of the provisions during the Committee stage and will seek to move amendments. The major proposal, as outlined in the second reading explanation, is that a system of work orders or periodic detention should be introduced for those juvenile offenders who have had a fine imposed

upon them and who have had ordered, in default of payment of that fine, a period of detention. At the present time that period of detention, if the fine is not paid, would have to be spent in one of the training institutions in South Australia—the Youth Training Centre (the old McNally Centre) or the South Australian Remand and Assessment Centre (the old Vaughan House). The Government obviously considers that a further option is warranted when dealing with juvenile offenders who default in payment of fines. That option is for the offender to carry out a period of work; he would not be in detention for 24 hours a day. He would have to carry out a certain number of hours work in some defined place to work out, in effect, the period of detention that was ordered on the basis of eight hours per day of detention.

It is interesting to note that this proposal is a limited one. It is limited, first, to juvenile offenders and it is limited to juvenile offenders who are ordered detention in default of payment of fines. In other words, it is not a general provision being introduced into the law that will relate to adult prisoners, and it does not relate to juvenile offenders who, as part of their initial sentence, are ordered detention. Therefore, it only applies in that limited area of detention in default of a fine. We support this proposition even though it is a limited one and, indeed, more limited than we would like to see. The proposal for periodic detention has been mooted in this State for some considerable time; I believe that as long ago as 1973 it was suggested by the Mitchell Committee in its first report on sentencing and correction. The Labor Party has, as part of its State policy, supported the implementation of a system of periodic detention for all offenders in general terms along the New Zealand lines.

So, we would like to see a system of periodic detention or voluntary work orders introduced as another option to imprisonment across the board, not just for juveniles and not just for those people who have failed to pay a fine. However, that is another issue. Had the Labor Government been elected last year, legislation to give effect to that would have been introduced in the session of Parliament before Christmas, as the drafting was well in hand at that time. This Bill is a limited version of a more general policy that we would wish to see implemented and, accordingly, it receives our support. The other matters in the Bill were referred to by the Attorney-General in his second reading explanation as follows:

> The Bill also contains sundry amendments for the purpose of easing a few minor difficulties that have arisen in relation to the administration of the Act since it came into operation in July 1979.

I do not want to accuse the Attorney-General of misleading the Council about the import of this Bill, but to say that it contains sundry amendments and try to give the impression that they are in some way minor or technical amendments that have arisen as a result of the administration of the Act is not really giving the correct position to the Council. What some of the remaining clauses do is try to implement Liberal policy in this area; that is, they try to implement the policy which the Liberal Party tried to introduce into the Bill last year by way of amendments in this Council or through the Select Committee and which, in the end, did not carry the day. So, there are a number of significant amendments in addition to the work order proposals.

I will deal with the matters which the Opposition considers to be controversial and which we will oppose or move amendments to at the Committee stage. The first major change is in clause 4. The existing Act provides that guardianship of infant matters, which are currently dealt with by the Supreme Court or the Local and District Criminal Court, ought to be dealt with in the Children's Court. The philosophy behind that was that a specialised Children's Court dealing with the problems of children should logically deal with problems of guardianship of children. That was agreed to by Parliament last year when the Bill was passed, and I do not believe that there was any objection to the proposition by honourable members opposite. The sections providing for guardianship of infants to come within the jurisdiction of the Children's Court were not proclaimed, and for good reason. At that stage the Act had just come into effect, and the problem existed of the judges, magistrates and justices getting used to the workings of a new Act. It was believed that there would be insufficient judicial manpower to deal with guardianship of infant matters in the Children's Court immediately upon proclamation of this Act. However, it was the intention of the previous Government to proclaim the provisions and to transfer the jurisdiction from the Supreme Court and the Local and District Criminal Court to the Children's Court when appropriate, which would have been when the Act had been in operation for some time and when further changes to overcome the manpower problem had been made in the Children's Court after it was possible to assess what the work load of the court would be.

So, there is no substantive argument introduced by the Government as to why the Council should now change its mind on a proposition that it passed just over 12 months ago. Accordingly, we will oppose the deletion of this provision vesting jurisdiction under the Guardianship of Infants Act in the Children's Court. We believe that it is appropriate, as we have a special court of this nature, that matters not only relating to the trial and conviction of juvenile offenders but also matters relating to their custody and other matters ought to be dealt with in that specialist court.

The other clause about which the Opposition has questions is clause 5, which provides that in remote areas of the State a child who has been apprehended for an offence may be detained in a police prison or an approved police station, watchhouse, or lock-up until he is brought before the court. That provides an exception to the general rule, which is that juveniles are dealt with in a different way from adult offenders: they are detained not in adult gaols or cells in police stations but in one or other of the institutions especially set up to deal with juvenile offenders, namely, the Youth Training Centre and the South Australian Remand and Assessment Centre.

The Opposition considers that this clause is not warranted. If a problem exists in country areas, it ought to be solved by providing separate facilities for juveniles in those areas. Obviously, that cannot be done in every small town or in towns where there might be a police station. However, surely it can be done in the major centres, which would not be far from some of the smaller towns. Surely, too, the offenders ought to be able to be transferred to the major centres for detention in the same manner as exists in the metropolitan area for juvenile offenders.

The principle that juvenile offenders ought not to find themselves in the same detention situation as adult offenders ought to be upheld, and, if there is a problem, it can be solved by Government action in providing in the major country centres facilities for the detention of juvenile offenders. In Committee, I will ask the Attorney-General what is the existing practice, what plans the Government has for providing improved detention facilities for juveniles in country areas, and what is the extent of the problem in remote areas. However, the Opposition at this stage is opposed to this clause and believes that there is a better way of solving the problem,

namely, by providing for juvenile detention centres in country areas.

The next clause with which we have problems is clause 7, which provides that a committee must deliver its verdict as to a child's guilt within five working days of the conclusion of a trial. This provision was not proclaimed at the time that the Act came into force last year during the Labor Government's term of office, as it was considered that consideration ought to be given to placing some kind of time limit on the delivery of verdicts and judgments in other jurisdictions before it should be introduced in the juvenile jurisdiction.

However, the principle is that people have a right, first, to know that, if they are charged and tried for an offence, their case will be heard expeditiously, and, secondly, that a verdict will be given within a reasonable time. In the case of indictable offences that are heard before juries, the person involved knows within a maximum of five hours from the end of the trial whether or not he has been found guilty. In the Magistrates Court, where a case is heard by a magistrate alone without a jury, I know that magistrates try to get their decisions out quickly, particularly in criminal matters. However, there is often a delay, and I believe that there ought to be some kind of restriction on the time within which a verdict ought to be given.

Indeed, there is a case for placing some kind of time limit in other areas. From time to time, judgments in civil proceedings, are outstanding for nine, 10 or 12 months. I think the Attorney-General will agree that, where this occurs, it is an intolerable situation that ought to be rectified. I know that judges would resist any restriction of this kind. On the other hand, if judges have difficulty delivering judgments expeditiously, and if there are delays of that sort of time, surely the answer lies in increasing the judicial staffing of the courts. People ought not to be left waiting for judgments. As I have said, in some cases civil matters are outstanding for a year; there may even be examples of matters being outstanding for more than that. Not only in civil matters but also in criminal matters there is a case for trying to arrange some kind of time limit for verdicts or judgments.

The Opposition believes that the Government ought to investigate this proposition in relation to other courts, and should take up the matter with the judges. In the meantime, given that this section has not been proclaimed, the Opposition believes that it should not be taken out of the Act. Rather, it should remain there and be proclaimed when steps have been taken to overcome the problem of delayed judgments in other jurisdictions.

Clause 8, which amends section 51 of the Act, is the next provision with which the Opposition has problems. Section 51 lays down the powers of a court on finding a child guilty of an offence. In summary, this section provides that the court may, upon convicting the child, sentence him to a period of detention and, upon convicting, or without convicting, the child may discharge him upon his entering into a bond. Also, under paragraph *(c)*, upon convicting the child or without convicting the child, the court may impose a fine and, finally, without convicting the child, the court may discharge the child without penalty.

So, we have a system of penalties which means that there must be a conviction when there is a question of detention. When there is a question of a bond or a fine, the child may or may not be convicted. Where the child is discharged without penalty, there should be no conviction. That is what the present Act provides. The amendment to section 51, contained in clause 8, seeks to provide that, where a child is discharged without penalty, the court may enter a conviction. In other words, it provides the possibility for the court to convict and then discharge without penalty. At present, if the child is discharged without penalty, there can be no conviction.

We believe that the existing provisions should be maintained. If an offence is of such a kind that a child is to be discharged without penalty, it is not appropriate that a conviction be recorded. The whole point about the conviction, especially in the case of a juvenile, is that it is a stigma on that person perhaps for the rest of his life. It seems to me that, if an offence is so insignificant or trifling, or if the court feels that the child can be discharged without penalty, there is no case for providing that the child can also be convicted. If it is an offence of such a minor nature, there is no case for a conviction. We intend to oppose that change.

Clause 10 deals with section 65 of the principal Act and provides that, where a court is considering that a child should be discharged absolutely from his detention order (that is, where he is being released from a training centre more or less under the juvenile system of parole, and the court makes an order that the child be discharged absolutely from further detention or further obligation under the original order), the police should be notified as a matter of course before an order of that kind is made by the court. In the parole area, we do not believe that the police should be notified or should participate in decisions relating to parole, and likewise in this situation in relation to juvenile offenders we do not believe that the police should be notified as a matter of course that a person has applied for a discharge from his detention order. The matter was discussed in this Council previously. It was considered by the Select Committee, and the end result was that the Council did not pass an amendment which would have provided for police notification automatically of applications for discharge from a detention order. Accordingly, we will oppose this clause.

In relation to clause 12, I should like the Attorney to direct his attention to the statement that the Justices Act also provides for the Clerk of the Court to give extensions of time for payment of fines or other orders. That statement is used to justify the deletion from the principal Act of a provision which allows a juvenile to apply for an extension of time for the payment of a fine. It is said that the provision already exists in the Justices Act, but I should like the Attorney to consider the provision in the Justices Act which I do not believe is actually for the Clerk of the Court, but is something which is available to a justice. I ask him to consider whether or not the Justices Act provision in that respect is broad enough to cover the existing provisions in the Children's Protection and Young Offenders Act; in other words, I have a feeling that, by removing the provision for an application for the extension of time for the payment of a fine, we might be restricting the rights that the juvenile has at present.

Clause 14 deals with work orders, a matter to which I referred earlier in my speech. We wish to have a number of questions answered in this regard, and I shall enumerate them now to the Attorney so that he might consider them. First, there is the question of insurance. What would happen if one of the offenders carrying out a work order was injured or hurt in some way? Will there be any provision for insurance? Who will organise the work orders? Will the work be done in gangs or individually? Who will be responsible for supervision of the workers? Will that supervision be carried out by Community Welfare Department officers from the detention centres? Will the supervision be a matter for the people at the place at which the work is being done; in other words, will there be a system of voluntary supervision by the football club or whoever it is whose weeds are being cleaned up? Will

there be any division, if they are working in gangs, between traffic offenders, for instance, or other juveniles who may have a series of Juvenile Court offences and who are working off their fines? Will they be mixed together in the work gangs that are envisaged? What work is envisaged? Will it be work within the Government area, within the community, local government, work for local organisations or for service clubs? The principle is supported by the Opposition, but we believe that there are a number of unanswered questions about which Parliament should be advised before proceeding with the Bill.

Clause 15 provides that the Director-General, of his own volition and on his own decision, may transfer a child from one training centre to another. The present provision is that the Training Centre Review Board has the responsibility for releasing juveniles more or less on a parole system, and indeed for transferring juveniles from one training centre to another. Apparently, there have been some administrative difficulties where transfers have occurred and which have been necessary, perhaps because a person has been sent to the wrong institution, and there is a need to obtain the approval of the Training Centre Review Board, with probably the approval of two out of three people, and that does create some minor administrative difficulties.

However, my worry is the situation where strong submissions have been made to the Children's Court for a person not to be sent to the Youth Training Centre (the old McNally, for instance), but where it is submitted that a period at Vaughan House, the South Australian Remand and Assessment Centre, is appropriate. After those submissions, the judge decides that the Youth Training Centre is not appropriate and orders detention elsewhere. Under this proposition, although the matter has been argued fully before a judge, and although the judge has decided that a person should not be sent to one institution, the Director-General would have the power to override completely that judicial decision.

Accordingly, the Opposition believes that an amendment is appropriate to provide that, where it is necessary for the Director-General to use his powers under this section and where he transfers people from one institution to another, that transfer should at the earliest practicable opportunity be confirmed by the Training Centre Review Board, which presently has the authority to carry out that transfer. In other words, the transfer can be carried out, but the Training Review Board will have an opportunity to reverse that decision and would at least be informed of all transfers that were made. Therefore, it would have some overall supervisory role over the Director-General in that area. I have outlined in some detail the Opposition's objections and problems with this Bill. That will give the Attorney-General some chance to consider those objections. Accordingly, I hope it will not be necessary to go into these matters at any length during Committee. I support the second reading of the Bill.

The Hon. N. K. FOSTER: I support the Bill. However, I wish to make several comments. Unfortunately, I was not present when the Leader spoke, and he may well have mentioned some of the matters that I wish to raise. I strongly agree with the Leader that the Minister should make it clear to the Council how the Bill will operate before we go into Committee, so that the Opposition can consider amendments.

I do not want to be accused by members opposite—not even the Right Hon. Mr. Davis, if I might elevate him slightly—of forcing all offenders into prison, be it McNally or whatever. That is not my intention. If I had wanted to do that, I would not have spoken to the Bill. My very real concern is that the sentencing officer can impose directions, conditions and humilities upon juveniles outside what they would receive in any detention centre.

About three years ago some youths received a very low wage structure to do community work. That meant that some young people were employed by organisations in this State to do the most menial tasks, including household work. Fortunately, that programme came to the notice of the proper authorities and it was quickly nipped in the bud. I would not like to see a magistrate or a sentencing officer direct that an offender, in lieu of imprisonment, should serve in any of the service clubs. That is my real concern, because this State has a Government of abdication in relation to its responsibilities in so many areas and directions.

The Government regards service clubs as the finest examples of any organisation in the community, other than the Liberal Party. That approach frightens me. Imagine juvenile offenders being put into the hands of some of those clubs over a weekend, be it the Lions Club, the Apex Club or any other of the do-good service clubs. It could be said that that would be better than going to McNally. However, we must carefully consider the conditions of this Bill once it has passed into law.

As an example, the other day someone attempted to set fire to a school close to my residence, and the question was raised whether or not offenders such as that should receive lectures from a local C.F.S. unit. Another person in the conversation said, "We should throw the bastard on to Black Hill during the next fire."

The PRESIDENT: Order! The Hon. Mr. Foster made a remark earlier today that I almost asked him to qualify. I ask the honourable member not to repeat that type of language.

The Hon. N. K. FOSTER: I agree with you, Mr. President. I simply repeated the very expression used to amplify the conflict: one reasonable person said it would be a good thing if the kids went to C.F.S. lectures, while the other person said that they should be tossed into the middle of the worst possible fire and that that should be their end. That is notwithstanding the fact that a high percentage of bush fire arsonists are people who are not only acquainted with but are part and parcel of fire-fighting services in South Australia. That fact has been proven. Unfortunately, a child will be able to be put to work in a number of areas that cannot be defined in the Bill. For example, a service organisation could undertake demolition work; that is not uncommon today. I believe that the Lions Club and others are undertaking to knock down buildings. They pay no regard for safety or other hazards. If my son had to work in those circumstances I would prefer to see him serve his time in an institution.

Another aspect over which I suppose there will be no control in the Bill when an option is given is that unfortunately offenders from the western suburbs will be called upon to do particular tasks as an alternative but not offenders from the silver-tail areas, because they will be looked after by their friends. It may well be that offenders will be required to place themselves in danger, because the court has imposed that work upon them. Whatever one may have thought about probation officers in the past, the system is much improved on what it was not so many years ago. I believe that probation officers should determine the matter with a proper report, because they have a proper understanding of what is involved in relation to a particular offender. I note that it is envisaged that juvenile offenders should serve an alternative type of punishment befitting their crime. That punishment is left to the discretion of the court. I believe that the punishment

should be given a great deal of consideration by the appropriate department, which should make a proper report. The Liberal Party is not bad in relation to reports. The Liberals love reading reports, and there is no doubt in my mind that they have looked at the reports of Western European countries where this system has operated for many years.

The experience of those countries should be considered in regard to where the person may be directed and to reports highlighting directions that the Government and the department should avoid. The Bill makes no reference to the false God concept of the Liberal Government favouring free enterprise and delivering these people into the hands of a particular employer. I would hate that to apply. I refer to cases shortly after the election where young people were engaged by unscrupulous employers for a week and then given the sack merely to deprive those young people of unemployment benefits.

Two such cases were brought to my attention, but I did not raise them in this Council because they were attended to elsewhere. If there was one person to whom offenders were directed and that person had knowledge of their unlawful act he could exert undue influence as to the organisation to which such juvenile offenders should be directed. That situation alone is dangerous. I commend the Bill with the utmost caution. I do not say that the Government will have egg on its face, but we must ensure that children are not directed into areas of criminality, which can happen so easily.

I refer to the ever-increasing crime rate and the press statements made by the Liberal Party before the last election. I refer also to the comments that the Attorney made on the steps of Parliament House concerning what his Party would do about juvenile offenders and criminals in general. The Government has not paid sufficient attention to the social aspects prevailing in these times. It does not realise that there is just a great depression in the world outside this building. There are many deprived people in the community, and this problem falls heavily in the hands of youth.

A report in the weekend press referred to homeless youths and children in South Australia. The Government should devote more of its energy to solving problems in that direction. At present the Liberal Government is only paying lip service to this problem so that people do not express concern about the matters that I have raised. I hope that the Minister, as hard a man as he is and as a father of young children, will reply to these points. Certainly, it does not matter who one is in the community—whether one is a manager of a bank or a maritime labourer—no-one knows what his children will be confronted with in their teenage years. I hope the Minister will spell out in detail the Bill's intentions, thereby helping to arrest the fears that have been expressed from this side of the Council.

The Hon. K. T. GRIFFIN (Attorney-General): I thank honourable members for their attention to the Bill. Whilst the Leader and the Hon. Mr. Foster have raised a number of questions about aspects of the Bill, I hope I can explain adequately the reasons why some of these amendments are before the Council. First, I refer to the question of what are generally described as community work orders. The Act presently provides for the Children's Court to make work orders as a penalty in the first instance. Section 51 (1) of the Children's Protection and Young Offenders Act of 1979 provides:

> . . . where the Children's Court finds a charge (other than a charge of truancy) proved against a child, the court may, by order—
>
> *(b)* upon convicting the child, or without convicting the child, discharge the child upon his entering into a recognizance with or without sureties, upon condition that he will be of good behaviour and will appear before the court for sentence if he fails during the term of the recognizance to observe any of its conditions, and upon any one or more of the following conditions that the court may think fit to include in the recognizance—

It then lists six conditions, and I refer particularly to the following paragraphs:

> (ii) that he will attend a youth project centre at such times as may be stipulated in the recognizance or required of him by the Director-General and will obey any directions that may be given to him by or on behalf of the person in charge of that centre;
>
> (iii) that he will participate in such project or programme as the Director-General may require;

That Act already provides sufficient authority for a court to order a child to participate in what is normally described as a community work project. The amendment seeks to take that one step further. Where a child is fined by a court, usually the court also fixes a period of detention for non-payment of a fine. The amendment provides that the Director-General will have the authority to say in the case of default of a child paying the fine, "Instead of your being detained in a training centre, you can expiate your default by attending either at a youth project centre or by undertaking some community work or project."

We are really extending the opportunity for young offenders to be involved in community work projects, rather than serving periods of detention. I draw the Council's attention to that extension of the basic provision that already exists. We took the view that, as we were seeking to amend the Act, the opportunity for young offenders to be required to undertake a community work order should be extended in those terms that are in the Bill. It could have been left to another occasion but, as the development of the community work projects system is well advanced, it seemed to the Government that it was appropriate to include that provision in this amending legislation merely to provide the authority in the limited circumstances outlined in the Bill.

Members opposite have raised the question about the way in which these work orders will be implemented. I think it is important for members to be aware of some of the factors that will apply not only with regard to the amendment, if it is passed, but also with respect to the principal provision already in the legislation.

The Hon. C. J. Sumner: It hasn't been working.

The Hon. K. T. GRIFFIN: No, but there is authority in the Act already for the court in the first instance to order a child, as a condition of a bond, to undertake a community work project. What we are doing is extending that power so that where a fine has been imposed in the first instance a default provision is included, that is, detention in default of payment. If that is activated by non-payment of the fine then, instead of detention, unless the court otherwise orders, the Director-General may provide for that offender to undertake a programme of community service in expiation of the period of detention in default of payment of the fine.

The Government announced within the last six to eight weeks that in the field of adult offenders it would be providing in the next session legislation to allow courts to order community work orders for adult offenders, and indicated that the development of such a scheme was fairly

well advanced. The relationship of the adult programme to the child offender's programme is quite specific: the two will be very much compatible and along similar lines. The Chief Secretary has already investigated the programme of community work orders or community service orders in both Victoria and Tasmania and has indicated that he tends to favour, I think, the Victorian system, which is fairly well developed. It is important to recognise that the Government accepts the view that the work in which the offenders should be required to be engaged ought not to be work normally carried out by employable people. It is therefore important to involve trade unions in the development of this scheme so that it relates to work being done for people who are disadvantaged through age, illness, incapacity or some other adversity, rather than helping people or agencies that can well pay for the service in other ways.

Therefore, it is not directed towards taking away jobs from those who are employable or towards work that would be ordinarily undertaken by those who are unemployable: it is directed towards work which otherwise would not be done but which can be undertaken by these offenders without prejudice to employment opportunities. A number of criteria motivate community work order projects. One is an emphasis on restitution so that the work project is related to the actual offence, and in some instances may include work for or in relation to the person or property against which the offence had been committed. It has a compensatory effect also in that, whilst in some instances it may be notionally related to the offence or the person against whom it has been committed, it may well extend to work for persons who are in a similar position to those against whom the offence has been committed, or to work involving similar property, or an institution similar to that, against which the offence has been committed. So, it will have some aspect of compensation as well as restitution and be in some way related to the committal of the offence. There are a number of areas to which the Leader of the Opposition has referred, and I propose dealing with them when I deal with the clauses more specifically.

He said that the reference in the second reading explanation to sundry amendments was misleading. I suggest that in the context of the whole Bill they are sundry amendments, and they have largely arisen from the recommendations of the Children's Court Advisory Committee, or the court itself, in dealing with the day-to-day administration of the Act.

The Hon. C. J. Sumner: You didn't want us to read it, did you?

The Hon. K. T. GRIFFIN: I read the second reading explanation or that part of it, and it is obvious that the Leader was not listening at the time. I turn now to some of the detailed questions and comments made by the Leader. His first comment was in relation to clause 4, which dealt with the Guardianship of Infants Act. I draw members' attention to the fact that the provision which sought to give the Children's Court jurisdiction under the Guardianship of Infants Act has not been proclaimed to come into effect. That was for a number of reasons, some of which have already been touched upon. Representations were made to the previous Attorney, and then to me, with respect to difficulties which the Children's Court would experience if it had to deal with the jurisdiction of the Guardianship of Infants Act. They were essentially difficulties associated with manpower, and the decision which the Government took was that the jurisdiction was being adequately exercised by the Supreme Court in particular, without any complaint and in the context of proper attention to the needs of the child. To that extent there was no need to interfere with the Supreme Court Act in regard to matters under that Act.

However, there are two other difficulties of a more specific nature. The first is that it is estimated that, if the provision had been invoked, some 1 500 orders under the Guardianship of Infants Act would have been negatived and rendered not enforceable in respect of the persons subject to those orders or in relation to whom they had been made.

The Hon. C. J. Sumner: You could have fixed that up.

The Hon. K. T. GRIFFIN: It would have required legislative enactment.

The Hon. C. J. Sumner: That is what you are doing now.

The Hon. K. T. GRIFFIN: The Leader has not been listening again. I said that the Supreme Court and the Local Court had been exercising jurisdiction under the Guardianship of Infants Act consistent with the principles recognised in the Children's Protection and Young Offenders Act, and that it had been operating satisfactorily and there seemed to be no reason to disturb the operation of that Act in the hands of both those courts. The other difficulty is one which I think is significant and which affects the jurisdiction of courts other than the Supreme Court; that is, courts other than the Supreme Court do not have jurisdiction to issue writs of *habeas corpus;* that is believed to be a most useful power which is exercised by the Supreme Court only and has been exercised under the Guardianship of Infants Act. This power has had to be invoked and, if there have been occasions when this has happened, it seems that it would be inappropriate to remove that option in respect of those who require the benefit and protection of the Guardianship of Infants Act.

The other area relates to the recognition and enforcement of interstate orders. It was drawn to my attention that some difficulties were experienced in the enforcement of interstate orders under legislation that was similar to the Guardianship of Infants Act. So, in the light of those facts, the Government decided that it would rather repeal the provision in the Children's Protection and Young Offenders Act and maintain what is presently an appropriate and a satisfactory practice rather than embark upon a review of the legislation to the extent that it would require a considerable shift in power to the Children's Court, which shift was not envisaged at the time that the legislation was enacted last year.

The next difficulty relates to clause 5. The Leader of the Opposition asked what the Government was doing to provide adequate facilities for young offenders in outlying areas, particularly remote areas. I remind the Council that that is where the difficulty lies. In remote areas that are not in reasonable proximity to training centres, there is no suitable, secure accommodation for young offenders. Difficulties have been experienced, in that young offenders have had to be transported long distances for relatively short periods of time for the purposes of security. The difficulty has also occurred that, during hearings affecting those young offenders in some of these places, young offenders have not been able to be kept in a secure place during a hearing because a training centre has not been available for the purpose of holding them. The Government has no plans at present to provide in those remote areas facilities equivalent to training centres to provide secure accommodation for a limited number of young offenders.

This change, which has been suggested by the Children's Court Advisory Committee, the Chairman of which is Judge Newman, Senior Judge in the Children's Court, will alleviate some of the difficulty that is presently being experienced in remote areas. It is intended that an area

will be prescribed and outside that area the amendment will apply to limited remote areas only.

The next point to which I refer relates to clause 7, which deals with the requirement to deliver a judgment within five working days of a hearing. Much evidence was given to the Select Committee regarding the difficulty that was likely to be experienced. There was some debate as to the advisability of including this provision in the Bill.

The Children's Court has always acted to give decisions promptly, although difficulties often arise that will not allow the delivery of a judgment within five days of the completion of a hearing. We are suggesting, by way of amendment, that it be replaced by a requirement to deliver a judgment as expeditiously as possible. There are remote instances in which judgments have been delayed for many months by some courts, even the Supreme Court, but in most of those cases there are usually good reasons for the delay.

Regarding the Children's Court, no complaints have been made to me, and I am fairly confident that the former Attorney-General did not have any complaints made to him, about the way in which the Children's Court has either dealt with cases or delivered its judgments. As I said in my second reading explanation, this provision has not been proclaimed to come into effect, so that it is not effective at present. As the Government does not intend to proclaim this provision to come into effect, it seems appropriate that the court generally should be required to deliver a judgment expeditiously; that seems to be a more appropriate provision to enact in this legislation. Clause 8 deals with the question of convicting, particularly in the context of multiple offences.

The Hon. C. J. Sumner: That wasn't the complaint.

The Hon. K. T. GRIFFIN: What was the complaint?

The Hon. C. J. Sumner: Where the person is discharged, there should be an additional option to convict.

The Hon. K. T. GRIFFIN: The Children's Court Advisory Committee has recommended this change. It has dealt with the position with multiple offences and also with the position where a young offender is discharged from a number of offences. In that event, those discharged offences can be taken into account when fixing penalties on the offence for which a conviction has been recorded.

I now refer to the committee's request to the former Attorney-General on 31 August last year. I suppose that the former Attorney had other things on his mind then. I am not criticising him at all for not dealing with the matter; I am merely making the point that the matter came to his attention prior to me becoming Attorney-General. The Children's Court Advisory Committee, which suggested that there ought to be more flexibility, said:

> The Children's Court Advisory Committee considers that section 51 (1) *(d)* should be amended by inserting "with or" before "without", as this would give the court the same sort of flexibility as is provided in sections 51 (1) *(b)* and 51 (1) *(c)*.

I need not take the Council's time to read through those provisions. However, if honourable members want further information in Committee, it can be dealt with then.

Criticism was made of clause 10, which sought to give the Police Commissioner, among others, an opportunity to be heard before the Children's Court decided to release a young offender absolutely. The Leader of the Opposition has indicated that, even in the area of parole of adult offenders, the Opposition is opposed to the police in any way being involved. The Government has indicated that it intends to amend the appropriate legislation dealing with parole to ensure that the Police Commissioner is at least given notice of any application for parole so that the board may be properly informed before it makes any decision whether or not to grant parole. That is a request that the police have made, and it is a matter which the Parole Board itself believes is appropriate, so, whilst it is not acting as a court and acting judicially, it will have before it a wide range of information from all sources in considering whether or not a person should be paroled.

The provision here is similar, because it allows the Commissioner of Police or the Director-General of Community Welfare to be given notice of an application for absolute release, similar to parole, but this time dealt with judicially by the Children's Court. It does not say that the Children's Court should necessarily take any notice of it, but it puts the Children's Court in a position of having before it all available information, so that it can then make a decision on whether or not the offender should be released absolutely.

In relation to clause 12, the Leader asked especially whether the power in the Justices Act to grant an extension of time for payment of a fine was adequate in the area of young offenders. My advice is that it is adequate, that, if we move to repeal section 98 and to enact new section 98 in such a way that it will pick up deliberately the provisions of the Justices Act as an expansion of the other provisions of the Children's Protection and Young Offenders Act which apply the provisions of the Justices Act *mutatis mutandis,* that will be sufficient to enable an extension of time for payment of fines to be granted by clerks of court. Although the Leader has said he does not think clerks can do it, but that it must be done by a court, my advice is that clerks of court have the appropriate jurisdiction to grant extensions of time and have had it for years. Application is made to a clerk of court. If he does not give the extension, there is an opportunity to go to the court itself.

The Hon. C. J. Sumner: I know they have always done it, but it seems to me that perhaps it should be clarified. It seems to me also that the power that was in the Children's Protection and Young Offenders Act was explicit, where it does not seem so explicit in the Justices Act.

The Hon. K. T. GRIFFIN: I am prepared to look at it in Committee, but my advice is that it is adequate and is preferable to the power in the Children's Protection and Young Offenders Act which limits it to the court rather than giving the authority to such a person as the clerk.

Turning now to clause 14, relating to work orders, I shall deal with some of the specific questions raised by the Leader of the Opposition. There is still much work to be done on the fine detail of the way in which community work orders will operate, not just with young offenders but with adults as well. As I indicated earlier, much work has been done and advances have been made along the track. A great deal of work has been done in Tasmania and Victoria, where community work orders already apply and are in force. In both States, they are in force in relation to young offenders. I know that is the position in Tasmania, and I understand it is so in Victoria, but I am not stating without qualification and of my own knowledge that it does occur in Victoria in relation to young offenders.

The general concept with young offenders is that they may serve their time, if I might put it that way, in a community work order either as imposed by the court or as directed to be served by the Director-General of Community Welfare where there has been default in the payment of a fine. They will be implemented either in or outside of a youth project centre, depending on the individual and on the work generally available. The Leader asked whether they will be organised in gangs or

individually, who will supervise, will the supervision be in a voluntary capacity, and so on. I do not envisage, nor does the Government, that the responsibility for supervision will rest with, say, the Lions Club, Homes for the Aged, or the individual pensioner on whose property the work is being undertaken, but rather that supervision will be arranged through the Director-General of Community Welfare. As with adult offenders, there may be volunteer probationary officers or supervisors, but they will be persons trained especially for the task and directly responsible to the Director-General of Community Welfare, and not to the agency or the individual for whom the work is being done.

It is possible that work will be undertaken either in groups, depending on the nature of the task, or by individuals on small tasks. I envisage that a conscientious effort will be made to ensure that minor offenders are not put into the same group as are offenders of a more serious nature. It is desirable, for both young and adult offenders, that there be that sort of separation, whether in the training centre or in prison, as much as in the undertaking of community work orders. One must remember that, in the young offenders' field, emphasis is on rehabilitation, as it is in the adult field if a determination is made that the adult offender would have a better prospect of rehabilitation by undertaking this work.

It is conceivable that this sort of work will be carried out within the community, within areas of local government, within service clubs, or Homes for the Aged, or for individuals who fall within the disadvantaged category and for whom the work would not otherwise be undertaken. I reiterate that we are conscious of the need to involve offenders in this sort of community work in areas which would not detract from employment opportunities for those who are employable, where the work could and would be undertaken ordinarily by paid employment.

The other area referred to by the Leader related to clause 15. He indicated that he would like to see some supervision of the decisions made by the Director-General of Community Welfare. I will make some further comment on that matter during the more detailed discussion in Committee. I have given a somewhat longer reply than is usual, because I wanted to give specific attention to most, if not all, matters raised by honourable members during the second reading debate to clarify why certain decisions have been taken. If there are other questions, I will be pleased to answer them during Committee.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Jurisdiction of Children's Court."

The Hon. C. J. SUMNER: This clause takes away from the Children's Court jurisdiction over the Guardianship of Infants Act in relation to matters that are currently heard in the Supreme Court or the Local and District Criminal Court. For reasons I have given during my second reading speech, where there is a specialist court dealing with juveniles, all matters relating to them should be dealt with in that court. The Opposition opposes the proposition that the Children's Court's jurisdiction over the Guardianship of Infants Act and matters coming within that Act should be deleted.

The Hon. K. T. GRIFFIN: I have already dealt with the reasons why the Government wants to remove this provision from the Act. It has not been proclaimed to come into effect. I believe there are good reasons why the jurisdiction that is exercised under the Guardianship of Infants Act should remain with the Supreme Court and the Local and District Criminal Court, both of which have demonstrated their ability to make decisions on applications under that Act in accordance with the general provisions of the Children's Court. If this clause is not approved it will probably not make much difference in the day-to-day administration, because the Government does not intend to proclaim the provision to come into effect. From the point of view of the practitioners and the court, whether it be the Supreme Court, the Local Court, or the Children's Court, it is important to know where they are likely to stand in the future and not to have something in the Act that is not ever going to be acted upon.

Clause passed.

Clause 5—"Apprehension."

The Hon. C. J. SUMNER: The Opposition opposes this clause. The proper way to deal with this matter is for adequate detention arrangements to be made for juveniles in country areas. In the city there is a distinction between centres for adults and those for juveniles, and the Opposition believes that that situation should also apply in the country. A clause such as this, which provides that juveniles can be detained in country areas in police stations, watch houses or lock-ups (in other words, in adult prisons), will be used as an excuse not to provide proper juvenile detention facilities in country areas. The Opposition opposes this clause for the reasons that I fully outlined in my second reading speech.

The Hon. K. T. GRIFFIN: As I have already indicated, this proposal came to the Council through the Government from the Children's Court Advisory Committee, which drew attention to the fact that problems had arisen in certain remote country locations in relation to the secure holding of young offenders. The committee pointed out that in some remote areas a police station which is a declared police prison is the only secure place to keep young offenders, whether on initial apprehension or during the course of a trial. The clause provides that the Government will have authority to prescribe a particular area; outside that area, where it is not reasonably practicable to detain the young offender in any other way, a police prison, police station, watch house or lock-up approved by the Minister will be the appropriate place for secure holding.

The Committee divided on the clause:

Ayes (9)—The Hons. J. C. Burdett, M. B. Dawkins, L. H. Davis, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (8)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, C. J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons. M. B. Cameron and J. A. Carnie. Noes—The Hons. C. W. Creedon and Anne Levy.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 6 passed.

Clause 7—"Provisions relating to verdict of court."

The Hon. C. J. SUMNER: This matter was fully explained during the second reading debate. The present provision requires the court to deliver a verdict within five days, but it was not proclaimed for the reason stated. That provision should be proclaimed. There are problems with delays in delivering judgments or verdicts. A defendant in the Supreme Court or Local and District Criminal Court when charged with an offence obtains a verdict from a jury within a few hours. In the Children's Court it may be delayed for longer. Also, in the Magistrates Court we believe that the question of delays should be looked at. In the meantime this provision should be maintained.

The Hon. K. T. GRIFFIN: I also indicated in my reply at the second reading stage that the Government has no intention of proclaiming the present section to come into effect. The previous Government did not proclaim it to come into effect. The imposition of a strict time limit of five working days after a hearing is concluded within which a decision should be given is an unreasonable arbitrary provision that serves no useful purpose and, in fact, may work to the detriment of the defendant in that, if there is a difficult matter before the court involving complex questions of law, and if the judge or magistrate in the Children's Court is required to give a decision within five working days and having to contend with other cases in the interim, it is conceivable that a defendant may be prejudiced if such a judge or magistrate does not have adequate time within which to research adequately the law and make a proper balanced assessment of the facts of the case. When one says that there should be no requirement placed upon a court to give its judgment within a reasonable time, we say that it should be required to give its judgment as expeditiously as is reasonably practicable. That sort of instruction to the court is certain to attract some attention and be honoured in its day-to-day work.

The Committee divided on the clause:

Ayes (9)—The Hons. J. C. Burdett, M. B. Dawkins, L. H. Davis, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (8)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, C. J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons. M. B. Cameron and J. A. Carnie. Noes—The Hons. C. W. Creedon and Anne Levy.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 8—"Powers of court on finding child guilty."

The Hon. C. J. SUMNER: I seek your guidance, Mr. Chairman, as I seek to delete paragraph *(a)*, which involves the simple deletion of lines 15 and 16. Am I required to put my amendment in writing?

The CHAIRMAN: Yes.

The Hon. K. T. GRIFFIN: I move:

That consideration of clause 8 be postponed and taken into consideration after clause 16.

Motion carried.

Clause 9 passed.

Clause 10—"Absolute release from detention by court."

The Hon. C. J. SUMNER: This clause provides that, where a court is considering the absolute release of an offender from a detention centre, certain people may be notified and that these people be listed or provided for in rules of court. The purpose of the clause is to provide for automatic notification to the Commissioner of Police. For reasons stated in my second reading speech, we oppose this. We do not believe that it is appropriate in the parole situation (which is what this is) for either adult offenders or juvenile offenders. Accordingly, I oppose the clause, which would provide for this automatic notification to the Commissioner of Police of an application before the court for the absolute release of an offender.

The Hon. K. T. GRIFFIN: This provision has come upon the recommendation of the Children's Court Advisory Committee, which makes the following comment:

> Section 5 (1) makes provision for the Children's Court to order that a child, who has been released from a training centre, be discharged absolutely from his detention order. When the Bill was being debated in Parliament an undertaking was given that provision would be made in the regulations for the Commissioner of Police to be informed when an application for such discharge was made. Subsequently it was found that there was no power to make such a regulation.

The advisory committee goes on to suggest a form of words to enable the Commissioner of Police to be given notice and be given the opportunity to make a submission. I have already covered this in some detail, indicating that it is akin to the announcement which the Government made with respect to parole of adult prisoners and that the Parole Board agrees with the Government's announcement that the Commissioner of Police should be given notice of any application for parole and be given an opportunity to make a submission to the Parole Board in respect to that applicant if the Commissioner so desires. One has to remember that the Parole Board in that instance and the Children's Court in this instance are able to take into consideration factors that were not before them at the time when the person was first convicted and sentenced. What the Children's Court is looking at is whether it is in the best interests of a child to be released absolutely from the detention order. To be able to make that decision, it ought to have all information before it which has reasonably been made available with respect to that offender. Therefore, I would urge the Leader to support the clause.

The Hon. FRANK BLEVINS: I oppose this clause. In the Attorney-General's second reading explanation he said in the preamble:

> The Bill also contains sundry amendments for the purpose of easing a few minor difficulties that have arisen in relation to the administration of the Act since it came into operation in July 1979. These amendments have been requested by the Children's Court Advisory Committee, which has closely monitored the operation of the Act over the past 10 or so months.

I would like the Attorney-General to confirm whether this specific alteration was requested by the advisory committee and, if so, would he give the reasons to the Council as to why the committee thought that this was a desirable alteration to the Act. I suspect that this was one of the contentious issues when the original Bill was before the Council and also one of the contentious issues for the Select Committee. I suspect that a member or members of the Government who were in Opposition at that time and on the Select Committee have decided that they did not win on those occasions and now, because of changed circumstances, they have put forward what they could not persuade the Select Committee or the Council was desirable 12 months ago. I hope the Attorney-General will give me the information that I request. The difficulty I have with this proposition is that it seeks to involve the police at a stage that I do not believe is appropriate. The child has been convicted, has served a sentence to a degree, and it is now being considered whether he is suitably rehabilitated and should be finally released from having to serve any more of his sentence. Since the child's apprehension by the police he has had no dealings with them. He has been in custody in one form or another, and I cannot see what further information the police can give to the court, because they have had no dealings with the child since they apprehended him or her.

The only role for the police, if this clause is passed, would be to give an opinion to the court. Quite frankly, I see that opinion as an uninformed one, as they have had no contact with the child. What would they base that opinion on? It could be suspected, and the charge levelled, by the offender or the guardians that the role of the police at that stage would be a vindictive one. The police could

say, "We have had problems with this child in the past, and we believe that we will get them again." That may be the opinion of the police. However, the opinion is an uninformed opinion, as they have had no dealings with the child whatsoever in the intervening period from apprehension to the point where he is being considered for release. All that we can get if this clause passes is an uninformed opinion from the police, and I do not believe that that is desirable. There would be the temptation for the police (although they may not succumb to it) to be vindictive. If the police have had problems with the child in the past, they could take it out on the child when he is being considered for release. I repeat that I am not saying that the police will fall for that temptation, but I emphasise that the temptation is there. It should not be there.

My final point on this clause relates to whether the police should be involved at all in this area. The Attorney-General said earlier in reply to the second reading debate that the police would be involved in parole proceedings at some time in the future. This clause should be examined in the light of that procedure if it is introduced. If we do not so examine it, we will subject children to a procedure that is far more stringent than that which applies to adults. That may be the Government's intention, but it is not the position now and, until it is the position and until we have had some experience of what happens when the police are involved directly in the parole procedure, we should not subject children to a far more strenuous set of procedures for what is the equivalent of the adult parole.

I ask the Attorney-General to reconsider the Government's attitude on this matter and not to proceed with the clause at least until we have some experience of how it applies to adults. This seems to be an experiment, and we should not be experimenting with children. I therefore oppose the clause.

The Hon. K. T. GRIFFIN: The Hon. Mr. Blevins has misunderstood the context in which the amendment is proposed. If one looks at section 65 (1), one sees that its application is limited. That section presently provides as follows:

> Where a child has been released from a training centre pursuant to section 64 of this Act, the Children's Court may, on the application of the child, a guardian of the child or the Director-General, made upon a recommendation of the Training Centre Review Board, order that the child be discharged absolutely from his detention order.

If one looks at section 64 (1), one sees the following:

> The Training Centre Review Board may authorise the Director-General to grant a child periods of leave from a training centre during which the child will not be subject to the supervision of the Director-General.

It is important to recognise that, if the Training Centre Review Board has authorised the granting of periods of leave from a training centre, the child, under section 64 (1), is not subject to the supervision of the Director-General. Section 64 (2) provides:

> The Training Centre Review Board may at any time order the release of a child who has been sentenced to detention in a training centre, subject to the following conditions:
>
> *(a)* a condition that the child be under the supervision of an officer of the department and that the child obey the directions of that officer;
>
> and
>
> *(b)* any other condition that the board thinks fit.

It is in the limited area where a child has been either granted a period of leave from a training centre or has been released subject to conditions from a training centre that section 65 comes into operation. In those circumstances, after there has either been a period of leave or release upon conditions, the guardian of the child or the Director-General, on the recommendation of the Training Centre Review Board, may apply to the Children's Court, which may then order that the child be discharged absolutely from his detention order.

So, after that order is made, there is no further jurisdiction either to bring the child back because of further offences or in any other circumstances that might be appropriate in the context of this legislation. It is in the context of the Children's Court considering whether or not an absolute discharge should be granted that we are providing that the court may, if it thinks fit, hear or receive submissions from any person for the purpose of determining that application.

This is not the Draconian provision to which the Hon. Mr. Blevins referred. It is very much limited, and it is applicable in the context where there will be a likelihood of an order for absolute discharge from a detention order in the limited circumstances in which section 64 applies. In those circumstances, it is appropriate that the court has before it all the available information.

It is wrong to say that the police will be making an uninformed submission, as one must remember that the child has either been granted periods of leave or has been released on conditions. So, the child has been out in the community before the power granted by section 65 is acted on by the Children's Court. It is therefore quite likely that, if the child has offended again or has been associating with other offenders, the police will be involved, and in those circumstances it is appropriate for the Children's Court to have before it information about that.

In reply to the Hon. Mr. Blevins, I should like to refer to only one other matter, regarding the Children's Court Advisory Committee. That committee's recommendation that this sort of amendment should be made was a positive one. It is not a suggestion, but is prefaced by the comment that "the Children's Court Advisory Committee has considered problems that have arisen in relation to the operation of the Children's Protection and Young Offenders Act, 1979. The committee recommends that several amendments be made to the Act during the coming Parliamentary session." In that report, which is dated January, dealing specifically with the amendment to section 65, the committee states:

> The Children's Court Advisory Committee recommends that such a provision—

that is, to enable the Police Commissioner in particular to make submissions—

> be added to section 65—

which provision is of similar import to the provision now before the Committee.

The Hon. FRANK BLEVINS: Apparently, the Children's Court Advisory Committee has made this recommendation. However, I asked the Attorney why the committee wanted this amendment, and the Attorney has not answered that question. If the Attorney does not know, he should say so, as there is no apparent reason why the committee made the recommendation.

The Attorney said earlier that the police might have knowledge of a further offence that a child might have committed while he was out on leave and not under the supervision of the court or any agency. I find it difficult to believe that, if a child had offended and the police knew about it, the matter would not have come before the court in the normal manner and that that information would not be available to the Training Centre Review Board. The opinions that the police could give would be opinions only, and uninformed opinions at that.

The Hon. K. T. GRIFFIN: The fact that a child may have offended again is relevant to the consideration of the Children's Court as to whether or not it will grant an

absolute discharge from a detention order, and the problem is that it may well be that that matter has not yet been determined by the Children's Court. A child may well have been summonsed, or the matter may be in the pipeline for proceedings to be issued, but it might not have been resolved by the Children's Court. In those circumstances, it seems perfectly reasonable and proper that the police should draw this to the attention of the Children's Court as a factor which it must take into account before granting an absolute discharge.

On the other matter to which the Leader referred, the Children's Court Advisory Committee has not given any other reason for recommending this change. I have given what I regard as the appropriate reasons for seeking the amendment, and I believe that they are valid reasons for proceeding with it.

The Committee divided on the clause:

Ayes (9)—The Hons. J. C. Burdett, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (8)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, C. J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons. M. B. Cameron and J. A. Carnie. Noes—The Hons. C. W. Creedon and Anne Levy.

Majority of 1 for the Ayes.

Clause thus passed.

Progress reported; Committee to sit again.

[Sitting suspended from 6.14 to 7.45 p.m.]

TRAVELLING STOCK RESERVE: COBDOGLA

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

> That section 389, hundred of Cobdogla, Cobdogla irrigation area (area 12·18 ha) dedicated as a travelling stock camping reserve, as shown on the plan laid before Parliament on 6 October 1977, be resumed in terms of section 136 of the Pastoral Act, 1936-1976.

The Hon. C. M. HILL (Minister of Local Government): I move:

> That the resolution of the House of Assembly be agreed to.

The travelling stock camping reserve was dedicated as such on 15 February 1973 and has not been placed under the control of any governing body. A proposal has been instigated by the Department for the Environment for the inclusion of section 389 on the proposed Lock Luna game reserve. The Pastoral Board has considered the resumption and has no objection, as the land is required for a project of public benefits. In view of the purpose for which this land is required I ask honourable members to support the motion.

The Hon. J. R. CORNWALL secured the adjournment of the debate.

CREDIT UNIONS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2399.)

Clause 11 passed.

Clause 12—"Detention for contempt or enforcement of order for payment of money."

The Hon. C. J. SUMNER: Will the Attorney-General say whether the power in the Justices Act is sufficient to take over the section that has now been deleted from the Children's Protection and Young Offenders Act relating to an extension of time for the payment of fines? I was in some doubt about this, but the Attorney-General has assured me that this situation is properly covered by the Justices Act. I am sure that his colleague the Minister of Community Welfare would do the same. However, I must confess that I was a little concerned as to whether or not we were taking away a protection that existed in the Children's Protection and Young Offenders Act without adequate safeguards in the Justices Act.

The Hon. K. T. GRIFFIN: As I said in my reply to the second reading debate, the advice I have received is that the provisions in the Justices Act, as they are applied by this proposed new section and also by section 9 (5) of the Children's Protection and Young Offenders Act, are sufficient to give the sort of protection referred to by the Leader. As I understand it, there is power in the Justices Act, if the time within which a fine has been ordered to be paid needs to be extended, for the clerk of the court or the court, as the case may be, to grant that extension. The advice I have received indicates that there are adequate safeguards.

Clause passed.

Clause 13 passed.

Clause 14—"Periodic detention on default in payment of fine, etc."

The Hon. C. J. SUMNER: This clause deals with the provision for work orders for children who default in the payment of fines. As I said in my second reading speech, the Opposition has no objection to this clause, because it is part of our policy. The Attorney-General has attempted to answer some of the specific questions that I asked relating to how these work orders would be implemented in practice. I appreciate the Attorney's contribution in that respect.

This is obviously an area where some experimentation will be involved. I hope that it will be possible from time to time for Parliament to receive a report on how these work orders are proceeding in the juvenile system and, indeed, how they are made to work in relation to adult offenders in the future. There is no specific procedure for that, but I believe that the Government and Parliament will need to keep a close watch on the mechanics of the work order scheme. It may be that if it does not operate satisfactorily some amendment will be necessary.

The Hon. K. T. GRIFFIN: It is correct to say that the provision of community work orders or community service orders will be largely experimental, so far as South Australia is concerned. But, as I indicated during the second reading debate, they have been in force, certainly in the adult jurisdiction in Victoria and Tasmania, for at least a year or two.

A great deal of development of the scheme has been undertaken in those States. The same applies for young offenders in Tasmania and, so far as I am aware, in Victoria, where community work orders or community service orders have been in operation for at least a year or

two. There is some experience on which South Australia can base its scheme for both adults and young offenders.

Regarding reporting, certainly there will be an opportunity to have the matter raised in the Council periodically either by question or in some other way. I imagine that if there are any bugs in the system there will be public comment on them, if not a reference through the officers who are administering the scheme. I believe there will be adequate monitoring of the implementation of the proposals. We believe that they are of benefit, and we will want to ensure that they work.

Clause passed.

Clause 15—"Transfer of children in detention to other training centre or to prison."

The Hon. C. J. SUMNER: I move:

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Line 3—Strike out "and".

After line 8—Insert paragraph as follows:

and

(d) by inserting after subsection (1) the following subsections:

(1a) Where the Director-General makes a direction under subsection (1) of this section (not being a direction relating to a child on remand), he shall cause that direction to be reviewed by the Training Centre Review Board as soon as is reasonably practicable.

(1b) The Training Centre Review Board may—

(a) confirm, vary or revoke the direction of the Director-General;

and

(b) give any further or other direction that the board thinks necessary or expedient.

(1c) The Director-General shall cause a decision of the Training Centre Review Board made under subsection (1b) of this section to be carried into effect.

A query about this clause was raised in the second reading debate because it provides that the Director-General of Community Welfare may shift a juvenile from one institution to another without any reference to the court or the Training Centre Review Board. The present provision is that the board has responsibility for the release of offenders before the normal period of detention is up under a system of juvenile parole, in effect, and that the board also has the responsibility for transferring people from one detention centre to another.

The Government's argument is that there are administrative difficulties in requiring the board to approve, before it is done, every transfer, and that for administrative efficiency and to expedite transfer when it is necessary, because there may be a crisis situation that arises in one of the training centres requiring the transfer of a person from that centre to another centre, there is a need for the Director-General to be able to act immediately on the problem.

The problem I raised in the second reading debate was that there may be situations where the court has heard submissions on whether a person should be referred to one institution or another. Counsel acting for a defendant may have argued strenuously that a person ought not be committed to McNally (South Australian Youth Training Centre), and the court may have accepted that submission and sent the offender to Vaughan House.

If that is the case, I believe the Director-General ought not to have the authority to override the decision that has been made. For that reason my amendment has been placed on file. The amendment provides that, where the Director-General does order the transfer from one training centre to another, the decision of the Director-General should be reviewed by the board, which at present has the responsibility for these transfers, as soon as reasonably practicable after the decision has been made, and that the board may then alter the decision if it sees fit.

We believe that that would still maintain the original intention of the Act, which was that the board had the responsibility for these transfers but would allow sufficient flexibility by providing the Director-General with the capacity to act immediately in any emergency situation. Accordingly, I believe the amendment would provide that flexibility for the Director-General to shift people from one institution to another and ensure that the board had a means of monitoring what the Director-General is doing in the area, and could ensure that any explicit decisions of the court were not undermined by administrative discretion. The amendment should commend itself to the Committee.

The Hon. K. T. GRIFFIN: The Minister of Community Welfare is more directly involved in the administration of this matter, and I will ask him to indicate in more detail what the position is. I want to say that the major difficulty that has occurred has been in the remand area, that some young offenders have been remanded to centres that are inappropriate through the lack of information available to the court which has been making that decision. If the Leader's amendment is accepted the problem will be that by the time the decision of the Director-General comes to be reviewed the period of the remand will have terminated and the young offender would have been dealt with by a court.

The proposal that I am presently having drafted means that I will ask that the Committee report progress, but it will limit the review of the board to situations where the Director-General makes a change in permanent detention rather than in the remand situation.

In the area of transferring a young offender from one training centre to another in the circumstances where that offender has been under a permanent order for detention, it will be rare that the board will need to exercise its authority, but I can accept that in those circumstances it would be appropriate for it to review the decision of the Director-General. But in the remand situation, for the reasons which I have indicated and which I understand my colleague will explain in more detail, I am not able to support that part of the amendment.

The Hon. J. C. BURDETT: I am sympathetic to what the Hon. Mr. Sumner has just said in regard to a position where a child has been placed in permanent detention by a court and placed there specifically in one training centre or the other. It is worth remembering that it is not as if there were six or 12 centres: there are only two, the South Australian Remand Assessment Centre and the South Australian Youth Training Centre. They are a detention centre in either case.

I do, nonetheless, accept the validity of what the Leader has said, where it may have been argued by counsel that one training centre or the other is more appropriate and the court has made that order. From an administrative viewpoint, as the Attorney-General has suggested (and this is where I can speak from my knowledge of what happens in the department), it rarely happens, anyway, that there is any need to transfer a child from one centre to the other where the child is in permanent detention. The problem is in the remand situation, and that usually arises where children have been remanded in the country by a

justice or magistrate who has not seen either centre and does not know what they are like or which is more suitable. Very often he has not been properly briefed by the prosecutor, who does not know, either. In that situation it is more appropriate that the Director-General have the authority to transfer the child from one centre to the other.

It is not really a protection, nor is it necessary, and it is unnecessary red tape that those matters should be referred to the Training Centre Review Board. As the Attorney-General has said, very often by the time the application has got to the Training Centre Review Board the child would have been dealt with, anyway. Therefore, it would not serve any good purpose. I can see the Leader's amendment applying in the case where the child is in permanent detention, so that the Director-General can transfer the child, but in such a case the transfer shall be reviewed by the Training Centre Review Board. However, it seems to serve no useful purpose, is unnecessarily oppressive and creates unnecessary red tape where the child has simply been remanded. There could be cases where the child has simply been remanded and there could be omissions to bring the matter before the Training Centre Review Board, so that the department could improperly be in trouble and involved in civil action before the court. My suggestion is that, while what the Leader has said has validity in regard to the case where the child is in permanent detention, it has no validity and can be unnecessarily long-winded and involve unnecessary procedures where the child is simply remanded.

The Hon. C. J. SUMNER: I take this opportunity to look briefly at the amendments which have been hinted at by the Attorney-General. I suppose that there could be situations where someone had been remanded to a particular institution and, indeed, there was judicial authority; in other words, the judge has specifically remanded someone to a particular institution. I am not sure that the argument put forward by the Attorney-General and by the Minister of Community Welfare has validity. In other words, even on a remand it may be that counsel would argue for remand to a particular institution for certain reasons, and it may well be that the court would accede to that—that the child should not be remanded to McNally or Vaughan House. Normally, I believe the remand is to Vaughan House but that may not apply in the case of children who the court believes might be liable to reoffend, or in the situation where a remand to Vaughan House might be an insecure one.

I can see the situation arising in a remand case also where the court might say that one or the other institution is appropriate. I cannot see the objection that the Government has to the original proposal that I put forward, because it does not in any way interfere with the Director-General's right to make the transfer immediately if he believes that the situation warrants it. All it does is ensure that the Director-General's actions are reported to the Training Centre Review Board so that it can make sure that what the Director-General is doing is in accordance with the general policy laid down in this area. In other words, it provides some independent monitoring of the Director-General's actions in this matter.

I would have thought that the original proposal that I had was adequate, namely, that in all cases where the Director-General shifted a child from one institution to the other it ought to be reported to the Training Centre Review Board, which could alter the decision, in some cases perhaps altering it to no effect; but at least the board is informed of the decision and can see whether or not the Director-General is adopting any particular policy in relation to these transfers, and whether or not it is just a matter of convenience or whether some problem that has arisen with the child in one or other of the institutions requires transfer. I find it difficult to see why the Government has decided to nit-pick on this question. My proposition simply stated that we recognised the Director-General's problem. We recognise that he needs a capacity in certain circumstances to transfer immediately, but if he does he ought to give a report on a regular basis to the Training Centre Review Board, which can monitor what he is doing. I do not see how that interferes with it.

The Government is coming along with a proposition to restrict what I wanted to do to children who are detained permanently. My proposition would also apply to children on remand. I can see in some remand situations that the court would order remand to one or other of the institutions. Therefore, the problem I have raised in relation to permanent detention also applies to children on remand. I believe that it is unfortunate that the Government is nit-picking on this issue. Quite frankly, I do not see the reason for it. I do not believe that our arguments are all that far apart as far as the substance of the issue is concerned. I should have thought that my original proposition would be adequate, but the persuasive tones of the Minister of Community Welfare may well convince me otherwise.

The Hon. K. T. GRIFFIN: The amendment that is in the Bill was recommended by the Children's Court Advisory Committee because of some practical difficulties. If I quote from the recommendations and the reason for it, it may be helpful to members. The report received last January from the Chairman of the Children's Court Advisory Committee states:

> Section 100 (1) provides that, where a child has been detained in or remanded to a training centre pursuant to an order of the court, the Director-General may with the approval of the Training Centre Review Board direct that the child be removed and placed in some other training centre. This provision has caused administrative problems, particularly in relation to children remanded by magistrates in country and suburban courts. Quite often, because of lack of adequate information, children have been remanded to a training centre which is inappropriate. It is considered that the subsection should apply only to training centres (that is, secure custody) and that the Director-General should have full authority to move children between training centres if that is appropriate or there are accommodation difficulties at a particular centre.
>
> The Training Centre Review Board recommends that the words "or any other place" in the second line of subsection (1), the words "with the approval of the Training Centre Review Board" in the third and fourth lines, and all the words after "Training Centre" in the fifth line be repealed.

The difficulty as I understand it is that, where a child has been remanded to a training centre that is inappropriate, difficulties are experienced in getting together at short notice a Training Centre Review Board to approve an appropriate change. By the time that the board has been called together to consider perhaps one matter, it is very likely that the court has heard the complaint against the child, determined it and imposed the appropriate penalty. If the Training Centre Review Board is to review the transfer of children in a remand situation, we must be prepared to accept that it will probably be inappropriate for the board to consider that matter after the Children's Court or other appropriate court has determined the case and has imposed a penalty.

The Government is acknowledging that, where a child has been ordered to be detained after an offence has been determined by the court, it is appropriate for any decision made by the Director-General to be subject to the review

of the Training Centre Review Board. The Government has no quarrel with that. The problem is at the administrative level with young offenders in the remand situation.

The Hon. J. C. BURDETT: I adopt what the Attorney-General has said, particularly that the Children's Court Advisory Committee disagrees with the Leader and has pointed out the practical difficulties that have arisen. The Leader has said that under his amendment all that is necessary in a remand situation where a child is transferred from one centre to another is that the matter be reported to the Training Centre Review Board. However, that is not what the Leader's amendment says. It states that the Director-General shall cause that direction to be reviewed by the Training Centre Review Board as soon as reasonably practical.

While the word in subclause (1) *(b)* is "may" and not "shall", the words in subclause (1) *(a)* are that "he shall cause the direction to be reviewed". It therefore seems to me that the practical effect is that it is not just a matter of reporting. If it is in a remand situation, the Training Centre Review Board must be called together, perhaps just for one case, and make a heavy-handed decision as to whether or not the action taken by the Director-General should be approved.

This is most inappropriate, as the Children's Court Advisory Committee has said, because of the practical difficulties that have arisen. I am entirely in sympathy with the Leader when he talks about a permanent detention because, to be practical (and the Children's Court Advisory Committee was talking about practical difficulties), a transfer is rarely made in a case of permanent detention: it is almost always made in the remand situation.

With respect, the Leader is using a sledgehammer to crush a fly. By the time that the matter gets to the Training Centre Review Board, the child has already been dealt with by the court, anyway. The common sense of the matter is to accede to the amendment that the Attorney-General has placed on file, to accept what the Leader has suggested in relation to permanent detention, but to allow in the ordinary case of remand a simple transfer without any further heavy-handed follow-up and procedural red tape when a transfer from one institution to the other is made.

The Hon. C. J. SUMNER: It seems to me that Government members have come back into the Chamber in a much more aggressive mood since the dinner adjournment. I am not saying that the Attorney-General has done so, as honourable members know that he is not like that. Certainly, however, the Hon. Mr. Burdett has come back in a much more aggressive frame of mind. He was not all that keen on entering the debate on this Bill before the dinner adjournment, but now he has bounced into the Act.

The Hon. J. C. Burdett: Because this was a practical matter.

The Hon. C. J. SUMNER: The Hon. Mr. Burdett has decided to bounce the ball, give us a piece of his mind, and tell us where we are all wrong.

The Hon. J. C. Burdett: I agree with the advisory committee.

The Hon. C. J. SUMNER: That is all very well. The Minister does that when it suits him. If one receives reports that suit one, one likes them. If one does not like them, one puts them in a pigeon hole, just as the Hon. Mr. Burdett is doing with a few reports at present.

I was prepared to be convinced by what the Ministers said, but I am not convinced because, although my amendment provides that the decision of the Director-General on the transfer of a person from one institution to the other shall be reviewed by the Training Centre Review Board, it also states "as soon as reasonably practical". I do not believe that that means that at 9 a.m. on the day after a transfer a meeting of the Training Centre Review Board must be convened.

The Hon. J. C. Burdett: No-one said that.

The Hon. C. J. SUMNER: That is what the Minister was hinting at, because he said that administrative difficulties were involved. In effect, in a remand situation, it would involve a report from the Director-General. True, the Training Centre Review Board would have had an opportunity to review, but, if the remand situation had already been passed and the offender dealt with, what the Training Centre Review Board could do would be limited. However, at least it would know in what circumstances transfers had been made. Under the Government's modified amendment, the board is not involved in the decision at all, and it ought to be involved.

I do not see the practical difficulties to which the Minister has referred. The Opposition has put forward a proposition that the decision shall be reviewed by the Training Centre Review Board, and that ought to apply whether it relates to a person who is on remand or to a permanent detention.

I am disappointed in the Government, as we were getting on so well before the dinner adjournment. I am afraid that it is being a little dog-in-the-mangerish about this matter. I cannot see that any great administrative problem exists in relation to my proposition. One gets the impression that perhaps the Government is disagreeing with the Opposition just for the sake of doing so.

The Hon. G. L. BRUCE: It appears to me that there is not much difference between the two sides. The Government has taken objection to the words "review by". That seems mandatory. We could possibly have "advice to." What I see as the fear is that the decision can be made by the Director-General without the board being aware. I think advice should be given to the board that it is happening so that, if it is happening often, the board can look at it. After the whole thing has gone through, at least the board will be advised, but I do not know whether that is acceptable to us.

The Hon. R. C. DeGaris: That's the most sensible thing that's been said all night.

The Hon. C. J. SUMNER: The Hon. Mr. DeGaris was quiet before dinner. I put to the other side, in a spirit of compromise, a proposition that, with respect to remand prisoners, there be notification, so that the board has some kind of monitoring role and knows what the Director-General is doing. With respect to permanent detainees, the position that we put originally ought to obtain. For remand prisoners there would be notification and, for permanent detainees, a review by the board. That would serve the interests of everyone. There is no argument on the policy in the sense that the board ought to have some overall review of the position and I do not believe that it is beyond the wit of Parliamentary Counsel or the Ministers to devise an amendment on those lines.

The Hon. K. T. GRIFFIN: It seems to me that the Opposition is missing the background information to the way in which this whole procedure operates. I understand that the Training Centre Review Boards meet on at least a fortnightly basis and generally meet at the training centres. There are two boards, one for each training centre. Their responsibility is to visit the training centres, meet young offenders, hear complaints, look at files and reports on young offenders, and make their own assessment. It is an independent review board that has the responsibility of assessing the position of each young offender.

If there is a change of a young offender from one training centre to another, by virtue of the method in which boards operate now, they will be aware of the change very soon after it occurs and they will hear complaints from children and meet children so as to assess the situation. The other point is that, whilst it takes a lot to convince me that public servants ought to be able to make decisions without being subject to any review, I am convinced that in this case no injustice will be created by having the Director-General exercise the power to transfer children from one training centre to another.

By the amendments, we have eliminated the reference to transfer either between training centres or any other places. In the course of the administration of justice, a child who is remanded will come back before the court within a fairly short time and, if there is any complaint about a decision taken by the Director-General with respect to the place of detention of that child on remand, it will be subject to review by the Children's Court. All along the way safeguards are built into the system, and there are opportunities for the board to look at the situation and for the Children's Court, in dealing with children on remand, to be familiar with what is happening.

As the Minister of Community Welfare has said, we are perfectly happy about it being a mandatory requirement that a decision of the Director-General to transfer a child from one training centre to another, where that child is subject to permanent detention, be subject to review, and properly subject to review, by the board under the sorts of amendments that I have placed on file. When it comes to short-term remand situations, it is inappropriate for the decision to be referred to the board in circumstances where the child will be before the court within a short time and where the board, meeting on a regular basis, will be aware of decisions taken, and also in the light of the fact that, when the board does review a direction by the Director-General in a remand situation, the young offender most probably will have been dealt with by the court and a penalty imposed.

The Hon. C. J. SUMNER: The Attorney has said, with respect to remand children, that it is only on a short-term basis, and the Children's Court has the matter before it before long. That may occur in theory. In theory, one would hope that remand cases could be heard within a few days, but that is not the case in practice. When the previous Government was in office, my experience was that in the Children's Court lists for some offences were up to three or four months long.

The Hon. K. T. Griffin: But not where the child is on remand.

The Hon. C. J. SUMNER: Perhaps not. Doubtless, in the case of remand, the matter was brought on as a matter of priority. However, there may be periods of a month or two where the prisoner would be held on remand in an institution.

The Hon. K. T. Griffin: He will be brought before the court well before that time, for further remand.

The Hon. C. J. SUMNER: He may be. What if the court, when that remand comes up, orders that the child be referred to an institution? We may still have the problem that the Director-General could be able to transfer him without the board's knowing or in complete defiance of what the judges have said about where a child should be detained. I cannot understand why the Government will not accept the compromise. All it says is that, in the case of remand prisoners, there should be notification to the board and, in the case of permanent detention, the board will have the capacity and right to vary the decision later.

That gives the board the power to over-view the situation. At least it would know what was happening in transfers and the release of children from institutions, which is what the board's charter is under the Act. Our compromise proposal does not interfere in any way with the administrative flexibility that the Government says the Director-General should have.

I put it to the Government that an amendment along the lines I have suggested would be a reasonable meeting place between the two areas.

The Hon. K. T. GRIFFIN: I believe all the arguments have been presented and I do not intend to say anything further.

The Committee divided on the amendment:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Noes (8)—The Hons. J. C. Burdett, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Pairs—Ayes—The Hons. C. W. Creedon and Anne Levy. Noes—The Hons. M. B. Cameron and J. A. Carnie.

Majority of 1 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 16 passed.

Clause 8—"Powers of court on finding child guilty."

The Hon. C. J. SUMNER: I move:

Page 2, lines 15 and 16—Leave out all words in these lines.

Lines 15 and 16, in relation to discharging a child without any penalty, gives the court the option under the existing provision to record a conviction. If the offence is of such a nature that the offender can be discharged without penalty, the Opposition believes that the court should not be able to proceed to a conviction. A conviction can be a significant stigma, particularly against a juvenile. Where a court feels that there is no case to impose a fine, a bond with conditions, or detention, surely there is no justification to impose a conviction. The Opposition amendment ensures that no conviction will be recorded when an offender is released without any penalty. The Government proposal allows the court to convict an offender, even though no penalty may be imposed.

The Hon. K. T. GRIFFIN: As I indicated earlier, the Children's Court Advisory Committee recommended this amendment and pointed to provisions in present section 51 (1) paragraphs *(b)* and *(c)*, which set out the powers of the Children's Court if it finds a charge proved against a child. Under paragraph *(b)*, upon convicting the child or without convicting the child the court may discharge the child and do a variety of other things. Under paragraph *(c)*, upon convicting the child or without convicting the child the court may impose a fine, and so on. Under paragraph *(d)* the court may, while convicting the child, discharge the child without penalty. The Children's Court Advisory Committee felt that it would be helpful to have consistency between paragraphs *(b)*, *(c)* and *(d)* and that the additional option of discharging the child without penalty but recording a conviction under paragraph *(d)* would be a useful additional option in dealing with young offenders. The committee has asked for that additional discretion, and I see no reason why we should not accede to that request.

I take the point that there is some stigma attached to a young offender who has a conviction recorded, but one has to remember that the Children's Court does have power under section 51 to proceed to a conviction, and if it does proceed to a conviction it can order detention, release on a bond or it can fine. It can do those things without conviction, too, but if it wants to discharge

without penalty the only way it can do that is to decline to convict a child. Surely it must have the option in sentencing to impose a conviction but discharge that child without penalty. That option is presently not available, and I believe it should have the opportunity.

The Hon. N. K. FOSTER: I refer to the effect of a conviction against a juvenile and how it can be reflected in later life. What would be the effect of such a conviction in the eyes of the Public Service? I refer to the classic case that occurred in the late 1960's in Victoria which involved a person being elected to the Victorian Upper House. He was elected some weeks before Parliament sat, and he sat in the Chamber for about three or four weeks before it was discovered by one of his Liberal opponents, who was so shocked that a working-class person could be elected to the Legislative Council, that the successful candidate had an offence recorded against him at either eight or 13 years of age. That man was not allowed to take his seat in the Victorian Legislative Council and was forced to repay moneys that he had received in salary and expenses. That is a glaring example of what can happen as a result of a recorded conviction in youth.

The Hon. Frank Blevins: I think he was convicted without penalty.

The Hon. N. K. FOSTER: Yes. For that reason, I say to the Government that there is no greater crime or no greater criminal charge, whatever the cause, than the conviction of a child who is unfortunate enough to come before a Children's Court. I hold the strongest possible views on this matter, and am sure that I can speak for all honourable members on this side of the Committee. The Attorney should re-examine the matter. It is not good enough to allow an escape clause (it is no more than that) for the court, be it a judge or a magistrate, to say that he is holier than thou by being able to record without penalty but that he will record a conviction. True, if the court has not sufficient evidence or argument presented to it to convict a person to the extent that a penalty cannot be imposed under this clause, then there should be no conviction at all.

What would be the position if a member in this Chamber was here for 10 years and rose to become a Minister of the Crown and it was discovered that a conviction had been recorded against him? Would he be told to get out and pay back all his salary, as was the case in the Victorian situation? This is not good enough. There should be an automatic wiping out of the recorded convictions of young children who have pleaded guilty and about whom there has been no question whatever of their guilt.

The Hon. R. C. DeGaris: There is nothing in our Constitution Act to prevent that.

The Hon. N. K. FOSTER: I do not disagree, but one must realise what is happening in the court. I refer to the disturbing situation in New South Wales where only verbal evidence and not evidence in other forms has been accepted. If Cabinet is to hear submissions about corporate crime, as reported yesterday, then it must consider or reconsider recording convictions on kids. Perhaps a conference on the matter may be necessary to allow the Government to rethink its position about something that is not worthy of being on the Statute Book.

The Hon. J. C. BURDETT: I am afraid that the amendment proposed by the Opposition is likely to operate against the child. The Bill allows, as it should, all the options to the court. In accordance with the Bill, the court would have the option of convicting and imposing a penalty, of convicting without penalty, or imposing no conviction. It could do any of those three things. If the court is deprived of the middle option and all it can do is convict and impose a penalty or impose no conviction, it might decide that some measure of its displeasure ought to be recorded against the child and that, if it is deprived of that middle option, all it can do is to convict and impose a penalty. All that the Bill does is to give the court all the options. I believe that we have learnt to trust our courts. If we trust our courts, we think that they should have all the options. I suggest that what we should do is reject the amendment and pass the clause which gives the courts the three options. To take out one of those options may operate against the interests of the child.

The Hon. K. T. GRIFFIN: No-one really disagrees with the point made by the Hon. Mr. Foster about the consequences of a conviction. I suggest that that is not related to the point at issue now. There is already power in the Children's Court to make a decision whether or not it will record a conviction if a charge is proved. If it decides that it will not convict a child, although the charge has been proved, then it can impose a bond with conditions, or it can impose a fine. It can discharge the child without penalty. If it finds the charge proved and wants to proceed to a conviction, it may convict and then impose a bond or a fine.

However, it does not have the third option, which is to impose no penalty. If one is to be logical in the approach to this, one has to recognise that the power to order a conviction is already there in the court, and the court has an option to proceed to convict or not convict, as the case may be. If it considers that a conviction is appropriate in those circumstances of the offence, it cannot refuse to impose a penalty. It has to either sentence to detention or impose a bond or a fine. It cannot say that it is an appropriate case for a conviction but that it does not believe there ought to be any penalty attached to it.

What I am putting in this amendment is that this additional provision completes the logical sequence of options that the court has available to it already except for the power to proceed to convict but not to impose a penalty. I do not disagree with the observations of the Hon. Mr. Foster about the impact of a conviction, but the fact is that the court already has that power, if the charge is proved, to proceed to record a conviction. All we are doing in this amendment is stating that if the Children's Court finds a charge proved and wants to record a conviction, although it already has the power to order detention, impose a bond or a fine, we are also giving it a fourth alternative of not having to impose a penalty yet still being able to impose a conviction. There is nothing sinister in that and there is no denial of the consequences of a conviction.

The Hon. N. K. FOSTER: The Attorney-General is overlooking one thing. When a person applies for a position he has to state whether he has any convictions, and that information is seen by many people. Those people are not concerned about whether that person was given a suspended sentence, a bond, or a bag of lollies. He is convicted, and that is the damaging thing about it. Some people feel that, whatever someone does, he ought to be punished forever, and I have never agreed with that. Where courts and people in authority are not given power that is clearly defined, that power is often wide and corruptive. Kerr is a classic example of that, because his powers were never defined. He did as he liked. He was in cahoots with somebody else. I use that as an illustration and I could probably find others but he is someone whom most people in this country will never forget.

The Hon. J. C. Burdett: You can still convict a person.

The Hon. N. K. FOSTER: It is a damnation of a conviction without absolute evidence, and it comes down to what I have mentioned previously, namely, a holier

than thou attitude. The court seems to think in many cases that it must save face, and in doing so records a conviction on the flimsiest of evidence when that evidence is not conclusive. It is the conviction that is the damaging aspect of a future career. It would be absolutely shameful if we were to include that in this Bill.

The Hon. C. J. SUMNER: I believe the Hon. Mr. Foster has made a very valid point in relation to the effect that a conviction can have on an offender in later life, particularly when he may not have reoffended, having received a conviction as a juvenile. Some 20 years later he finds that that conviction is having an effect on his employment opportunities. The central point of our argument is that, if the offence is of such a character as not to demand a penalty, a bond or a fine, and certainly no detention, surely it does not warrant a conviction.

On the face of it, what the Attorney-General and the Minister of Community Welfare are saying about giving a broad range of options to the court has some validity. That is an argument that, in general terms, one could see some merit in. However, in this case, dealing with juveniles and the effect of a conviction on a person's future and his future career, surely the option of a conviction ought to be withdrawn from a court when dealing with an offence for which the court sees no justification in a penalty. Surely, if the court cannot see that there ought to be a penalty by way of a fine, bond or detention it is not justified in convicting a person in those circumstances, given the effect that it may have on his future. The Hon. Mr. Foster has clearly illustrated the effect such a conviction can have even though the offence may be a trifling one.

The Hon. K. T. GRIFFIN: I do not want to embark on a review of the practice in the courts. We were getting dangerously close to a question of contempt of court, because we were making some grave accusations about the way in which some court procedures operate. I would very much like to see us steer away from that, because I have the utmost confidence in the way in which the courts operate, whether it be the Children's Court, the Local and District Criminal Court, Courts of Summary Jurisdiction, the Supreme Court or the High Court. The fact is that avenues of appeal are available to anyone who believes that there has been a miscarriage of justice regarding either a conviction or imposing a penalty, whatever that penalty may be. Those opportunities for appeal are very clearly stated in the Children's Protection and Young Offenders Act. In fact, the provisions for review of sentences and for appeals are very much more comprehensive in this Act than in other legislation. We appreciate the strength of the argument about the effect of a conviction on an individual in the future.

However, that must surely be one of the options that the court has available to it in determining what is an appropriate penalty in the circumstances of the offence and taking into consideration the character and antecedents of the offender before it. The court must weigh up all those matters, and the Children's Court probably does so much more extensively than do jurisdictions that deal with adults.

Surely the court must have available to it an additional option, namely, to impose a conviction without a penalty. It already has power to record a conviction, and it may be the court's assessment that, rather than impose a bond, a period of detention or a fine (either with or without proceeding to a conviction), the mere recording of a conviction is the more appropriate punishment in all the circumstances to which I have referred. I cannot take the matter any further than that, the arguments having been fully stated by both sides.

The Hon. J. C. BURDETT: The Leader said that, if a court has decided that a penalty should not be imposed, it should not be able to record a conviction. I should like to turn that argument the other way around, as this amendment will mean that, if the court considers that the offence is of a character that demands a conviction, it will have to impose a penalty, and it should not be put into that position. It should have the option of convicting without imposing a penalty.

The Hon. G. L. BRUCE: Does it not work the other way around and, instead of imposing a fine or a bond, the court imposes a conviction that the lad carries with him for the rest of his life? If a fine was imposed on a young lad, it would be a hardship to him at that stage of his life. However, if a conviction was recorded, the lad would have to pay nothing then but would pay a heavier price later in his life. If a lad had the choice, he might choose to be convicted because it would involve no monetary penalty, but later in life this would react against him. The Government is therefore giving the court an option that will react against a child later.

The Hon. N. K. FOSTER: It is nonsense for the Attorney-General to speak about appeals, because we are talking about children's courts. This matter is indeed of vital importance to the future livelihood of a young person, who could at a tender age be denied employment because of a conviction that had been recorded against him. A court may consider that a child has convicted himself or herself on false evidence, perhaps because of fear or a number of things. The Bill provides that the person involved should be convicted. However, a person of 19 or 20 years of age who, having been convicted of an offence at nine or 12 years of age, seeks employment (having gained, say, tertiary qualifications) should, the Government suggests, appeal against the decision made 10 years earlier. I press the point made by the Leader. However, this does not involve, as has been suggested, an attack by Parliament on the courts.

The Hon. K. T. Griffin: I did not say that it was an attack.

The Hon. N. K. FOSTER: The Attorney said that we were close to questioning the whole system, and that is nonsense. The Government considers that, if a child has done no wrong, and the court so finds, that child should be convicted.

The Hon. R. C. DeGARIS: The problem in this debate is that the Labor Party considers that this amendment will enable those who would not normally be convicted to be convicted without penalty. On the other hand, the amendment will enable the court to remove a penalty that under the present conditions it is forced to impose when a conviction is recorded. If the senior courts have a right to convict without penalty, there is no reason why that right should not be enjoyed in the Children's Court; surely that is reasonable. This amendment is more likely to be used where the court considers that a conviction should be recorded but a fine should not be imposed, whereas at present the court can only convict and impose a penalty.

I do not accept the Hon. Mr. Foster's view that many more children will be convicted because of this provision. We are much more likely to see penalties taken off where they are inflicted now.

The Hon. K. T. GRIFFIN: I guess that one's attitude to this question is largely determined by the degree of confidence that one has in the way in which the Children's Court administers this Act and administers justice. I cannot accept that there is the reason for the fear several Opposition members appear to have that the Children's Court will act improperly. I cannot accept the lack of confidence that some Opposition members appear to have

in the quality of justice dispensed in the Children's Court. Further, I cannot accept that only we here are sensitive to the impact of a conviction on the future of a child.

Those of us who have practised in the old Juvenile Court will quickly understand that the courts are sensitive to the impact of a conviction on the future of a child, and they know what penalty they are imposing if they convict. That is more so now than it was 15 years ago. We now have a Children's Court that is dealing only with children and has much more information available to it than had the Juvenile Court of 15 years ago. I am not saying the Legislature should not give directions to the court: we are doing that by amending or not amending section 51.

The Government is saying that the option we seek to include in the Act with respect to a charge that is proved against a child ought to be extended and that it is one that will be reasonably exercised. I have confidence in the way in which the Children's Court administers justice, and I believe that its record demonstrates that it is sensitive to what should be an appropriate punishment both for a young offender and in the circumstances in which the offence was committed, taking into account the offender's character and antecedents.

The Committee divided on the amendment:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, N. K. Foster, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Noes (8)—The Hons. J. C. Burdett, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Pairs—Ayes—The Hons. C. W. Creedon and Anne Levy. Noes—The Hons. M. B. Cameron and J. A. Carnie.

Majority of 1 for the Ayes.

Amendment thus carried.

The CHAIRMAN: Before putting the clause, I explain that in the Committee stage it is not necessary for the amendment to be in writing and it is quite common practice for minor alterations to be moved without written confirmation. However, any detailed amendment must be in writing and signed to facilitate the working of the Council. I think I was quite right in asking for the amendment to be in writing on this occasion so that it could be studied and put.

Clause as amended passed.

Title passed.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a third time.

The Hon. C. J. SUMNER (Leader of the Opposition): I draw the attention of the Council to the problem I raised earlier involving clause 12, which has deleted from the Act the right for a child to apply to the court for an extension of time to pay a fine. The Government's argument is that the power is in the Justices Act and that it is superfluous to have it repeated in the Children's Protection and Young Offenders Act. I have been concerned about this matter. I raised it in the second reading debate and in Committee.

The Attorney assured me that he had been advised, and was convinced, that the Justices Act provision was sufficient. I put to him the position as I see it, on the understanding that the Bill must be considered in another place before it became law. Perhaps he can examine the position and let me know whether he is still of the same view as he expressed in Committee. In the Justices Act, section 83 is the appropriate section, and it provides:

> When any application is made to a justice to issue any warrant of distress or commitment to enforce payment of any fine or sum of money adjudged or ordered to be paid by any conviction or order, the justice may, if he deems it expedient so to do, postpone the issue of such warrant for such time and on such conditions (if any) as he thinks just.

Subsection (2) of that section provides:

> In any such case the justice may direct payment of the fine or sum by instalments, or that security be given therefor, in the manner provided by section 76.

Section 98 (2) of the Children's Protection and Young Offenders Act provides:

> A child against whom an order for the payment of money has been made may at any time prior to the execution of any mandate for his detention in relation to that order apply to the Children's Court in the prescribe manner for further time in which to satisfy the order.

I know that as a matter of practice in the courts it is the clerk who grants the extension of time. Therefore, if a person is within a day or two of the time limit that he was given to pay a fine, he may go to the clerk of court, who will give him an extension of time in which to pay such fine. That procedure has certainly been the practice in the past. Under what authority do clerks of court act in that manner? Is it section 83 of the Justices Act that allows a justice to grant such extension? The answer may be that the clerk of court is usually a justice of the peace, and it is in that capacity that he grants such an extension. I cannot find any other section in the Justices Act (and Parliamentary Counsel has assisted me in my search) that gives the clerk of court that authority.

I am aware that it is common practice for the clerk to do this, and in fact I have advised people that it can be done. Maybe it is because the clerk of court is a justice of the peace under section 83 of the Justices Act, and therefore uses that section. If that section is read literally it only operates when an application has been made to a justice to issue a warrant of distress or commitment. In other words, that section does not operate unless an application to issue a warrant of distress or commitment has actually been made to a justice of the peace. Therefore, if a person applies for an extension before an application for the issue of a warrant has been made, it might well be that under the Justices Act there is no authority to grant that extension. It might well be that this amendment has raised an anomaly that should be corrected—I do not know. I am simply asking the Attorney to look at this issue.

If my interpretation of the Justices Act and section 83 of that Act is correct, it would seem that by removing section 98 (2) from the Children's Protection and Young Offenders Act we would limit the rights the child has to apply for an extension of time, because we would be confining such application to the Justices Act, which provides that that extension of time can be granted only when an application for a warrant has been made to a justice of the peace. Unless there is a section in the Justices Act that I have not been able to find, I believe the issue needs to be clarified for Parliament before this Bill is passed. However, I certainly do not wish to hold the Bill up at this stage. In other circumstances I might have asked the Attorney to recommit clause 12, but now that I have outlined the problem in more specific terms I hope the Attorney will undertake to look at this matter over the next day or two before Parliament rises. This matter must be debated and passed in another place, but if there is some problem that the Attorney or his advisers find perhaps he could have the matter corrected in some way in another place.

The Hon. K. T. GRIFFIN (Attorney-General): I will certainly have the matter examined, and if there is a

difficulty the opportunity will be taken in another place to ensure that that difficulty is overcome.

Bill read a third time and passed.

BUILDERS LICENSING ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

APPROPRIATION BILL (No. 1), 1980

Adjourned debate on second reading.

(Continued from 5 June. Page 2301.)

The Hon. J. R. CORNWALL: There are at least three conditions that must be met before any Government can pride itself on a Budget surplus. First, there should be near full employment in a healthy economy. A surplus in other conditions is neither desirable nor should it occur, because, if after meeting genuine commitments there is any money left over, some form of employment creation should be indulged in by a responsible Government. This Government is not meeting that requirement, and therefore it should not in any circumstances pride itself on any sort of surplus that exists at this time.

Secondly, there should be a degree of activity consistent with the provision of adequate public facilities, particularly in areas such as health, transport, education and recreation. Thirdly, there should be a level of staffing in the Public Service consistent with serving the needs of the population and maintaining viability, efficiency and morale within the various departments. Unfortunately, none of these conditions is being met in South Australia as we approach the end of this financial year. In those circumstances any claim to good management becomes derisory rhetoric.

I do not propose to deal in any detail with the overall picture of the economy in South Australia. However, it is important to maintain our perspective as to how much the State Government or any State Government can do to control our economic destiny. Even if we adopt the outrageously conservative view that South Australia can function as a sub-nation State—a view which has been untenable since 1900—there is still very little that we can do to control our local economy in isolation from the rest of the nation. To suggest otherwise is absurd.

No amount of huffing and puffing can help us if the wrong central economic policies are pursued in Canberra. On the other hand, there are things which State Governments can do effectively and which they have a duty to do efficiently. Sound practical administration is the touchstone by which State Governments are judged. On this basis it is already possible to say objectively that even before the end of its first year in office the Tonkin Government is in deep trouble.

Some of the major areas in which the State Government by both tradition and agreement has a duty to perform include: the provision of efficient, well staffed and adequately equipped public hospitals supplying acute somatic care; provision for the needs of chronic long-term patients; the provision of sufficient school buildings of adequate standard suitably equipped and adequately staffed with both teachers and supporting personnel; the provision of adequate housing and accommodation sensibly and conveniently located, particularly for the socially disadvantaged; safe, rapid and attractive public transport; prevention of pollution, protection of the environment and preservation of our heritage; and adequate land use planning and development control. That is by no means an extensive list, but I believe it is a list against which we can judge the present performance of this Government. In each of these key areas the Tonkin Government is performing very poorly and in fact is failing miserably. The Government is failing because of its inflexible, ridiculous and untenable notion of small government.

It is breaking down because of its incompetence and bungling. These are words that seem to come up with increasing frequency when one is discussing the Government.

Perhaps worst of all they are obstinately refusing to take the best advice of many of their most competent senior public servants. There is a puerile and paranoid assumption that such people are politically tainted. The result in many cases is Government by politicians without aptitude advised by sycophants without qualifications!

The succession of blunders is far too long to chronicle in any single contribution, but I will touch briefly on some of the performances. The Minister of Education (Hon. H. Allison) has stumbled on with incredible ineptitude. The Education Department is now aptly called "Allison Blunderland".

The Minister of Health (Hon. Jennifer Adamson) has found that the cosmetic cliches of the back-bench are no substitute for administrative competence. Very early in the life of this Government I said quite bluntly that she had neither the intellectual capacity nor the compassion required for the job.

The Hon. C. M. Hill: Mr. Lee Hatcher had something to say about that.

The Hon. J. R. CORNWALL: He had something to say about it all right, but I have been proved to be absolutely right. How distressingly true that statement has proved to be! In the field of public transport we have seen promise unmatched by performance. One of the most urgent problems which faces State and local governments in the immediate future is to prepare for the certain depletion of petroleum products. It is certain, not some guessing game. This is not some remote possibility which might occur at an indeterminate time in the future. The depletion of liquid fuels and the concomitant cost explosion are occurring at this time.

It is quite appalling in these circumstances that this ultra-conservative Government, and it is proving to be an ultra-conservative Government—the Minister of Community Welfare may laugh, but he is indeed one of the most conservative members opposite. The Hon. Mr. Burdett's views on a whole range of social issues are well known, and anyone who is to the right of the Hon. Mr. Burdett in many of those areas would have to be described, I think, as reactionary. It is distressing to me that the Government, which I believe is ultra-conservative, still talks of new urban public transport modes which rely on liquid fuels. Such planning, although it has a typical nostalgic attraction for Conservative politicians, flies completely in the face of reality. The era of cheap transport energy has gone and we must face the fact that solutions to the problems of urban transport will be expensive.

Where is the Government's programme for urban transport? The simple answer to that is that it has none. Once the delivery of buses and rail cars ordered some years ago by the Labor Government is completed, the present Government will spend its time debating, with characteristic myopia and parochialism, whether yesterday's transport modes should be run by public or private operators.

One of the most significant steps taken by the Government has been the decision to merge the

Departments of Environment and Urban and Regional Affairs. The merger in itself is by no means a bad thing. There are certain obvious advantages. The departments were together for some years under a Labor Administration when my good friend the Hon. G. R. Broomhill was the Minister.

However, because of the paucity of information which we are receiving it is very difficult to make an objective assessment. This is not merely a personal view: it is one shared by a wide range of people interested and qualified in these areas. Perhaps most disconcerting is the fact that the view is held by many officers in the departments which are concerned in the merger.

We are being given snippets. Last week we were tantalised by a Ministerial statement. It seems that the recommendations of the Hart Report concerning a planning commission and an advisory council are to be adopted. However, there are a great number of areas in which nothing has been made clear.

The time frame set for the merger is also unacceptably long. This reinforces the general impression that the Minister has failed to comprehend the complexities of his portfolios. His abysmal public performances in the planning area certainly reinforce this view. Ultimately, of course, the Government's blind commitment to the so-called market forces philosophy will nullify the best efforts of the planners. Inexorable pressure is consistently exerted from their large and powerful friends in commerce.

We saw some outstanding examples of that fairly recently during the debate on the Bill with regard to retail planning development that was before this Council. The real tragedy of the merger is the subservient role which is planned for the Projects and Assessments Division of the Department for the Environment. It was obvious from remarks made last week by the Minister of Community Welfare, who represents the Minister of Environment in this place, that there is no intention to legislate for environment protection. Environmental considerations are to be made a minor appendage of the planning process. The Minister seemed to indicate quite clearly that the environment impact statement procedures would continue as a loose administrative arrangement. This is supposed to be an extension of the small Government approach—less formal procedures and less legislation. The great failing with this approach is that one also finishes up with a great deal less environmental protection, particularly when both the public and private sectors realise that the Government has a commitment to just such a course as a matter of policy.

In other words, once they realise that the Government has a commitment to get out of the road and not be actively involved in environmental protection, both large Government departments and the private sector will be laughing as they go about planning their construction activities.

It would seem that life was never meant to be easy for the Minister of Environment in this Government. The Premier, with his slogan about South Australia being open for business again, would create industry free zones if he thought he could get away with it. The State is said to be open for business again. That was a slogan used in 1973 in Chile after the C.I.A. successfully overthrew the democratically elected Government and murdered the President of Chile. It is interesting to see that just the same slogan was used there as was used here in South Australia by the Liberal Government. I am not suggesting that they are exact parallels, but it is a most interesting observation.

The Minister of Mines and Energy, with his dig or die policy, regards environmental protection as a joke. The Minister of Local Government puts short-term profit well ahead of environmental and planning considerations.

The Minister of Agriculture, if he is a conservationist at all, certainly manages to camouflage that fact well. The result is that the Minister of Environment and Planning is consistently rolled in Cabinet. Finally, I turn to the National Parks and Wildlife Service. This service has experienced a rapidly accelerating deterioration under the Liberal Administration. It is being racked by scandals, lacks any sense of direction, is still without a director, is disgracefully understaffed and probably has the dubious distinction of having the lowest morale in the Public Service. There are at least six unfilled vacancies in the service, one of the devices being used by the Government to create the illusion of a Budget surplus.

There is a need for a dramatic upgrading of numbers, of management skills, of management statements and plans and of financial support. Field staff are simply not receiving support. Attempts by bodies such as the Nature Conservation Society to support the service have been publicly criticised, rather than welcomed, by the Minister.

In these circumstances, promises of sweeping changes to the National Parks and Wildlife Act are causing more trepidation than anticipation.

The promises to involve local land owners and councillors in decision-making and to use voluntary rangers may mean the end of a viable professional National Parks and Wildlife Service. Certainly there is an urgent need for increased liaison with local communities and for adequate processes of consultation. However, to involve those communities directly in management decisions and administration of the provisions of the National Parks and Wildlife Act will surely be a disaster. Even the Bjelke-Petersen Government takes its national parks system much more seriously than does this State Liberal Government. I appeal to the Minister to show enough courage to stand up in Cabinet and in public and support his staff. I appeal to him to welcome the support of conservation groups and to modify his strange policies. If the present policies and attitudes persist, the result could be the demise of the National Parks and Wildlife Service.

The Hon. R. C. DeGARIS: I support the Bill. I desire as briefly as possible, to extend my congratulations to the Government on its financial management of the State finances in the brief period it has been in charge of the Treasury.

The Hon. C. J. Sumner: We will see what you are saying in 12 months time.

The Hon. R. C. DeGARIS: I will come to that point if the Leader will give me the chance to get there. It was not an easy task to take command in September 1979—to assess the position and bring down a Budget and to honour at the same time the taxation promises. The 1979-80 Budget forecast is a small surplus of $2 100 000 on Loan and Revenue Accounts. The predicted surplus in this period will be about $30 000 000 and probably $35 000 000.

The Hon. J. R. Cornwall: The Government is not paying anybody. There are more unfilled vacancies than ever before in the history of South Australia.

The Hon. R. C. DeGARIS: It is not paying anyone? I do not understand the interjection of the Hon. Dr. Cornwall when he says that the Government is not paying anyone. There are positions unfilled, and there always will be. There have been positions unfilled ever since I have been in Parliament, and there always will be.

The Hon. J. R. Cornwall: It has got a record of more unfilled vacancies than any other Government in the history of the State or colony.

The Hon. R. C. DeGARIS: One cannot say that the

State is being administered in an inefficient manner, because it is not. I intend to show that in what I say. The Government gives two reasons for the improvement in State finances: first, tight restraint on public expenditure and, secondly, improvement in some receipts and repayments. The improvement in receipts in certain areas is due, in the main, to factors for which the Government cannot take credit, nor is the Government seeking credit.

South Australian budgetary requirements have always felt the impact of seasonal conditions more than the Budget of any other State—for reasons which are obvious, if one understands the geographic position of South Australia. But, credit must be given to the Government for its achievements in restraining expenditure which, combined with the improved receipts, makes it probable that a transfer from Revenue Account to Loan Account of $20 000 000 can be made this financial year.

With the anticipated surplus of $16 000 000 in Loan funds, it is probable that reserves from the year's financial operations will amount to $35 000 000 approximately. With the developments about to take place in the Port Pirie and Port Augusta areas, with the Government commitment to infrastructure undertakings, the year's financial operations give a sound basis for that necessary Government involvement in those projects.

There are those who will say that the surplus moneys of the State should be used to implement band-aid schemes to relieve unemployment. I wish to make the simple point that such schemes will not, in the long term, do anything to relieve the persistent unemployment problem that exists in South Australia and the rest of Australia. The strategy of the Government is correct. It is sound economic management, coupled with development of our resources that, in the long term, will have the most beneficial effect upon the persistent problem of unemployment.

It is not possible to create long-term employment prospects by just spending money. If one thinks that one can overcome unemployment problems by increasing public expenditure to create short-term band-aid schemes to cater for the problem, he is in for a very rude shock, because that will not work. The second point that must be borne in mind is that the taxation relief undertaken by the Government has not, as yet, had any real effect upon the revenue. If the Government is to maintain its three-year financial programme without increasing taxation in other areas there is a need to continue with the policy of restraint on Government expenditure.

I refer to the interjection made earlier by the Hon. Mr. Sumner when he talked about the question of the difficulties for the Government coming later on with its policies. I am partially agreeing with what he said. If the Government is to maintain its three-year financial programme without increasing tax in other areas, there is a need to continue with the policy of restraint on Government expenditure that the Government has undertaken. There will be a necessity for even greater stringency in Government expenditure areas if the Government's programme is to be brought to its conclusion. It is this continued restraint that will encourage private investment, improve confidence—which in turn will produce long-term employment prospects.

That is the great problem that the Labor Party has always had in that it thinks that, by spending money, many problems that face society can be overcome. Public expenditure will never solve these problems; it is impossible. Band-aid schemes such as this will not solve the problems. The way to solve them is to have the economic measures that improve efficiency of operation, that encourage the development of our resources and in that way will overcome the problem of unemployment that exists at the present time.

The warning I am trying to put to the Council is that the successful financial policies the Government has pursued should be viewed realistically—that, to succeed in the policies enunciated, continued tight restraint is still required in regard to Government expenditure.

It is easy for one to feel pride in the Government's achievements in its first nine months of office. Every honourable member would say that the Government's financial results for its first nine months in office have been remarkable when one considers that crippling taxes such as death duties and gift duty have been abolished.

The Hon. J. R. Cornwall: Cut it out: they're still coming in.

The Hon. R. C. DeGARIS: I realise that. Had the honourable member been listening, he would have understood what I said. The second point that must be borne in mind is that the taxation relief undertaken by the Government has not yet had any real effect on revenue. There is a $35 000 000 surplus in the accounts for the Government's first nine months in office.

The Hon. J. R. Cornwall: That's easily explained. I've done that already.

The Hon. R. C. DeGARIS: I listened with interest to the honourable member's speech, but I do not think that that point was adequately explained. I merely heard the honourable member say that the Government was failing. I am saying that financially and economically the Government has not failed at all. Indeed, its intentions are being achieved. The Government can rightfully take credit for its financial achievements since it has been in office. The Supplementary Estimates that are now before the Council reflect the course which the Government has pursued and which will, in my opinion, if persisted with, lead South Australia to a more solid economic position than we would have thought possible 12 months ago.

The Hon. L. H. DAVIS: The Hon. Mr. Griffin has explained in detail this Bill and the areas where additional funds are required. He has also briefly explained the reasons for these additional appropriations. This is a regular practice, and this measure is one of three ways by which a State Government can seek supplementary expenditure. In speaking in support of the Bill, it is instructive to reflect on the financial position of this State at the time the Liberal Government took office.

At the second reading of the Appropriation Bill (No. 2), 1979, the Premier's financial statement firmly but fairly outlined the economic malaise in South Australia: how, for example, during the 1971-79 period the Labor Government watched uncaringly as private sector employment in the other States grew four times faster than in South Australia. The Treasurer, when Leader of the Opposition, had stated in the Supply Bill debate in 1979, that in the previous nine years the number of State Government employees had increased by 82·6 per cent compared with the growth in the State's private sector labour force of only 14·6 per cent. He also showed how South Australia's rate of unemployment had steadily worsened; and how our share of committed and prospective capital investment in major resource projects was a paltry 1·5 per cent of the Australian total, although our population was approaching 10 per cent of the Australian total.

The Premier and Treasurer frankly admitted that the Government had to take some tough and perhaps unpopular decisions if the economy in this State was to be rectified. At no stage did the newly-elected Liberal Government promise economic miracles. After 10 years of

flabby and flaccid Labor government, it is no longer a matter of just wallpapering over the cracks.

Accordingly, the 1979-80 State Budget set out to rein in the wasteful expenditure that was a hallmark of the Dunstan and Corcoran Administrations. For nearly 10 years the Labor Party believed that there was a pot of gold at the end of the rainbow, and the rainbow ended on the Treasury benches. In fact, the pot was filled from the pockets of the South Australian people, who were, during that time, finding out that their pockets were being lightened considerably by the State Government without the burden of heavier taxation.

So, the 1979-80 Budget was framed around several commitments that were made during the election campaign. The first commitment was that, through a process of natural attrition and voluntary transfers, there would be no growth in the Public Service. In fact, only last week the Premier said in another place that the Government was close on target in relation to the Engineering and Water Supply Department, the Public Buildings Department and the Highways Department. It is to be hoped that the Government has stopped the misleading and arguably dishonest practice of the former Labor Government, which took on so many employees without showing them on the Public Service pay-roll.

Secondly, health costs had to be cut in real terms through rationalisation and without affecting the standards of patient care. Thirdly, the Public Buildings Department was to be reviewed in order to achieve a better balance with the private sector, and major public works were to be let out to competitive tender. Fourthly, financial allocations to education were to be constrained with a view to a reallocation of resources to other areas, and, finally, there was to be a general review of value for the public's taxation dollar spent in the public sector.

Bearing these parameters in mind, the 1979-80 State Budget was framed to provide for a balance on Revenue Account, a transfer of $6 000 000 from Revenue Account to Loan Account, and a modest surplus of $2 100 000 on Loan Account, providing an overall surplus on the combined accounts of $2 100 000.

At the time that the State Budget was introduced, the Treasurer stated that the Government intended to establish reserves to help fund State Government responsibilities associated with the expected Redcliff petro-chemical project and other major projects, although understandably the Redcliff project is a top priority.

When introducing this Bill, the Leader of the Government in the Council (Hon. K. T. Griffin) pointed out that, although the Revenue Account figures for the full year are, of course, not available, there is at this point an improvement of $5 000 000 in receipts, and a saving of $2 000 000 in payments—a net gain on the budgeted figures for Revenue Account of $7 000 000 to date.

Furthermore, it was stated that, in anticipation that the better than expected trend in May was maintained into June, the Government was now providing a transfer of up to $20 000 000, as against the budgeted transfer of only $6 000 000, from Revenue Account to Loan Account. There has therefore been an improvement of about $14 000 000.

Regarding Loan Account, it was indicated that a $16 000 000 saving would probably be effected on the payments side, principally $7 000 000 in waterworks and sewers, as well as another $9 000 000 to $10 000 000 on Government, hospital and school buildings. This, together with an improvement of $1 000 000 in repayments, will possibly result in a surplus of as much as $17 000 000, that is, nearly $15 000 000 above the budgeted surplus on Loan Account of $2 100 000.

In summary, the projected improvement over and above budget of $14 000 000 in the Revenue Account and about $15 000 000 on Loan Account is an improvement of nearly $30 000 000 on the Budget combined accounts surplus of $2 100 000 for fiscal 1981. The Government intends all of this larger than expected surplus to be held in Loan Account, and specifically to apply $20 000 000 towards the Housing Advances Account in respect of the Redcliff project and $10 000 000 to the State Transport Authority in respect of the North-East Transport Authority.

Presumably, Roxby Downs is another project that in due course will require a financial commitment from the State Government in respect of infra-structure costs. It is interesting to observe that in July 1979 B.P., as a partner with Western Mining Corporation in exploring the vast and highly exciting uranium copper project at Roxby Downs, announced a $50 000 000 exploration programme over a five-year period. At that time, as honourable members would be aware, a Labor Government was in office, and one can only presume that the then Minister of Mines and Energy and other Cabinet members were not unaware of that fact.

Further, it would be a reasonable assumption that the Labor Government did not discourage that $50 000 000 exploration programme, yet recently in another place the Leader of the Labor Party has gone on record as saying that he does not support the mining and export of uranium from Roxby Downs and that he is opposed to the project at Roxby Downs. It is one of the great reversals of all time for a Labor Government, just nine or 10 months ago, to give implicit support to a $50 000 000 spending programme and now to have its Leader say that he is not in favour of it. That smacks of hypocrisy and inconsistency. No company in the world would enter a State or country spending $50 000 000 without consulting the Government of the day with at least a tacit agreement that it will be allowed to proceed with mining. That is an argument that could not be countered by anyone with a logical mind.

In nine months, the Liberal Party Government has achieved more than the Labor Government did in nine years of office. Tonight we have had a statement from the Hon. Mr. Cornwall, who is no longer in the Chamber, that money should be spent on job creation. He said that, if a Government had a surplus, it had better spend it. It is easy to understand why he said that, because he was a member of the Labor Government that did that, and soon I will demonstrate how it did it. As the Hon. Mr. DeGaris has said, money is not a panacea for this State's problems.

The Hon. C. J. Sumner: What's it got—

The Hon. L. H. DAVIS: If you sit down, I will give you an economics lesson.

The Hon. N. K. Foster: Whoever wrote that for you—

The Hon. L. H. DAVIS: I write my own speeches, Norm.

The PRESIDENT: The Hon. Mr. Davis is again breaching the procedure of the Council by referring to members by their Christian names.

The Hon. L. H. DAVIS: Tonight the Hon. Mr. Cornwall, having said that money should be spent on job creation in one breath, said in another that in South Australia we cannot do much to control our local economy and that to try to do so is absurd, he having suggested it himself. Our share of national unemployment has fallen from a high point of 11·1 per cent in October 1979 to 10·4 per cent in March 1980, which is a direct rebuttal of the Hon. Mr. Cornwall's claim. It is also interesting that the Hon. Mr. Cornwall, on 14 April 1977, when debating Appropriation Bill (No. 1), 1977, as reported in *Hansard* at page 3047, said:

> The basic function of State Governments . . . is to be sound, practical administrators. In this respect the South Australian Government is acknowledged throughout Australia as easily the best in the nation.

One can forgive the Hon. Mr. Cornwall for saying that, because he was a member of that Government and had to believe in it publicly, if not privately. Few other people share that belief and, when the people of South Australia had an opportunity last September, they did not believe that South Australia was acknowledged throughout Australia as being easily the best.

The Hon. C. J. Sumner: That had nothing to do with it.

The Hon. L. H. DAVIS: Economic management, I suggest, was a big issue at that election. The Hon. Mr. Cornwall tonight wisely chose not to refer to the Labor Party's financial management, having spoken so glowingly of it three years ago. It would be useful to remind members opposite (not that they need reminding) of the financial performance of the Labor Government. In 1975-76, on the Revenue Account, the Labor Government provided for a balance, and it achieved a surplus of $2 300 000. On Loan Account, having provided for a surplus of receipts over payments, it achieved a deficit of $8 900 000. On the combined accounts there was a short fall of $6 600 000 on what it budgeted for.

It is also important to remember that in that year the Government received $22 300 000 from the Australian National Railways Commission in respect of the railways transfer, and I will say more about that soon. In 1976-77 the Government sought a balance on both Revenue Account and Loan Account. It achieved a deficit on those combined accounts of $300 000. In 1977-78, it budgeted for a deficit on Revenue Account of $18 400 000 and it achieved a deficit of $24 900 000, or $6 500 000 below that which it had sought to achieve in the original Budget. On the Loan Account, which the Government had planned to balance, it had an actual balance in that year.

In 1978-79, it sought a balanced Budget and achieved a surplus on the combined accounts of $7 100 000. In that last year of almost a decade of State Labor Governments, the chickens were coming home to roost. It is no coincidence that in 1978-79 that Government achieved its best financial performance, actual versus budgeted, because the chickens were coming home to roost in the Frozen Food Factory and hospital administration. The Government was starting to tighten the belt because it knew that the people of South Australia were becoming aware of the financial mismanagement that was so much a feature of Labor administrations.

Reverting to 1976-77, the Labor Government in that year received $30 600 000 from the Australian National Railways and in 1977-78 received a further $3 760 000 from that source by virtue of the sale of the non-metropolitan railways to the Commonwealth. As members would be aware, we cannot publish a balance sheet. We do not publish one that details the State's assets and liabilities. Whatever may be said about the railways, it can be said that that may in future well jeopardise the financial arrangement between the Commonwealth and the State and, while in the short term the railways money was nice from the State Labor Government's point of view, in the long term the State may regret that sale.

In conclusion, I say one can draw several points from the announcement by the Treasurer in relation to the progress of the financial management of the State during the current year. First, the Liberal Government, which has been in office for only nine months, in such a short period achieved a most remarkable and outstanding financial result than was achieved in the past decade. That speaks volumes for the current Liberal Government administration and reinforces the belief that more and more people have had in the State about how bad the Labor Administration was in financial matters. We still have to see the full impact of stamp and gift duties, and of the abolition of land tax, which was a Liberal Party election promise. We have still not seen that implemented in a full year.

Further, we still have to suffer the possible consequences of the sale of the non-metropolitan railways to the Commonwealth and, of course, we are also subject to the mercies of the Commonwealth Grants Commission. Having said that, I believe the best that one can say about the Labor Party and its record in finance, as has been revealed so expertly in the statement made by the Treasurer when introducing this Bill in another place, is that it is very fortunate indeed for the Labor Party that the journalists of this State are on strike at this time. However, I suggest that that will be of little consolation, because the people of South Australia will know in good time how well this State is being managed by the present Government and how badly the Labor Government managed the State's financial affairs over the past 10 years. I have much pleasure in supporting the Bill.

The Hon. N. K. FOSTER: As I indicated earlier, I did not intend to speak to this Bill. However, having heard the false praise heaped upon themselves by members opposite, I believe it is inappropriate for me not to speak. We have heard the period of nine months continuously referred to by the Hon. Mr. DeGaris and the Hon. Mr. Davis. Having made a speech written by someone else, the Hon. Mr. Davis has now scurried from the Chamber to see whether he has done the right thing. The gestation period is now over, the child has been born and its problems will now start. I notice the Hon. Mr. Laidlaw leaving the Chamber. There he goes with all his wealth and without the responsibility.

The PRESIDENT: Order! Does the Hon. Mr. Foster wish to speak to this Bill?

The Hon. N. K. FOSTER: It is no good for members opposite to sit in this Chamber interjecting and saying that the Government has a money surplus, because that surplus exists only in the false world of accountancy. If members opposite purported to represent the interests of people and not necessarily the financial interests of companies, one could say that the Government had not done a bad job. However, if its performance is measured in terms of human compassion and the burden carried by the youth of this State and country, the Government would then have nothing to boast of at all.

I have sat here tonight and listened to what has been transferred from account to account, and it means little or nothing to me. I have heard the last speaker's parting comment that we have yet to bear the consequences of the previous Government allowing the State's country railways to be sold to the Commonwealth. Obviously, from that remark, the honourable member does not appreciate why that agreement was reached. There was a recurring State debt for about 50 years resulting from the shortfall in the revenue earned by the railways. The honourable member completely overlooked that matter. He has also forgotten—if he ever knew—that an agreement was reached under which Victoria and particularly the New South Wales Askin Government would accept the package deal of the then Commonwealth Government. However, those States renegued because politically they were being heavily leant on.

With the transfer of the railways, that debt has not recurred. However, I do not want to deal with that matter, but with the false impression that members opposite have

endeavoured to spread across this Chamber and throughout the community in relation to the employment possibilities inherent in the gigantic undertakings likely to be produced at Redcliff and less likely to be produced at Roxby Downs. The member who spoke before me and who has left the Chamber sits on a Select Committee of this Council, where he has heard factual evidence, week in and week out, as has the Hon. Mr. Burdett, about the millions of dollars necessary to secure the employment of one person when all the building and all the construction is finished on the proposed Redcliff site, and on what they can envisage as the possibilities regarding the Roxby Downs proposal.

Tonight, we have heard the Hon. Mr. DeGaris berate this side of the House on its financial management, simply on the basis that we cannot expect an employment recovery just because we are spending public money. The Hon. Mr. DeGaris is not an unthinking person, not a person without some intelligence or without some understanding of what Executive Government is about and how propaganda should therefore be spread. He knows as well as I do and as well as you know, Mr. President, that for every $10 spent by a company such as Redcliff, Roxby Downs, or B.P. on the North-West shelf an equal amount of public money must be expended to meet the requirements of the infra-structure and the ongoing production on those undertakings.

If this is not so, why did the Fraser Government bomb the Whyalla shipyards? Even though B.H.P. was given more than 50 per cent reimbursement on every ship constructed, the operation failed and was closed down. It was always referred to as private enterprise, but it was unable to survive, according to our political opponents, even with a massive injection of funds. That was the excuse given by the Liberal Government for closing the place down. One could say that any flow to the Australian people from those vast areas of resources on the North-West shelf will be unlikely because of the cost factor in producing anything from it.

I hope the Hon. Mr. Davis will read tomorrow what I have said. We see the vast mineral wealth now pouring out of Queensland, dispatched overseas in the most gigantic ships they can find to put into operation. Queensland boasts a deep sea port, few of which are available in Australia, in Townsville. Billions of dollars of public money has gone to provide that port for the export of the vast mineral wealth from Mount Isa and other parts of Queensland. What accrues to the people in financial terms from those gigantic undertakings, those huge exports that are now starting to appear in the various Commonwealth year books? What amount of money accrues to the average taxpayer in Queensland who has to foot the bill for this infra-structure?

The royalties are so pitifully low that the people of Queensland have got to rely upon the money that finds its way to the State coffers from that portion of the mineral that is exported and carried by the Queensland-owned railways: the socialist-owned railway. That is the main area of income for the people of Queensland.

People at university level have been working on Redcliff and Roxby Downs predictions, which have not yet been completed. However, as it stands presently, the royalties that will accrue in South Australia over a 20-year period, even considering that we will drag and export from the bowels of the earth that rotten mineral uranium will amount to less than $4 a person for the whole population of South Australia. One honourable member opposite tonight tried to ridicule the whole situation by implying that the Labor Party acquiesced to the processing and exporting of uranium because it allowed B.P. to say that it would spend $10 000 000 a year over five years on an exploratory basis in the Roxby Downs area. Government members well know that evidence has been given to us that the earnings—

The Hon. J. C. BURDETT: On a point of order. The honourable member spoke about evidence that had been given. He can be referring only to evidence given to the Select Committee. I refer to Standing Order 190.

The PRESIDENT: I apologise, because my attention was drawn from the debate. If the Hon. Mr. Foster was referring to evidence before the Select Committee, then he is entirely out of order.

The Hon. N. K. FOSTER: I am not, Mr. President. The Minister is Chairman of the Select Committee and has been foolish enough to suggest that I am using as a source of information evidence given to the Select Committee. The evidence to which I refer was given to a Select Committee and has been made public and printed in the *Advertiser* and the *Sunday Mail;* it has been a subject of discussion on the A.B.C. and has even been aired on the Jeremy Cordeaux show on 5DN. In referring to Standing Order 190 this Minister of the Crown, who wanted to be Attorney-General, is attempting to persuade you, Mr. President, to prevent me from continuing in a vein in which I am entitled to speak. The committee has taken evidence in public.

The PRESIDENT: If the evidence was given to the Select Committee, then the honourable member should not refer to it.

The Hon. N. K. FOSTER: It was given to the committee after it appeared in the press. I refer to a report distributed by B.P. to all members of Parliament which has been the subject of evidence before members of the committee. It states:

> A second message to all Parliamentarians of the Government Parties from B.P. Australia on current Government proposals.

The PRESIDENT: Order! I have no jurisdiction over what witnesses do with their evidence, but Standing Orders distinctly provide that a member cannot refer to the evidence until it is published.

The Hon. N. K. FOSTER: I am not quoting from evidence given to a Select Committee: it is merely coincidental that I am on the committee and that I happened to read the blurb put out by B.P. This was not intended for me. It is a second message to all members of the Government Party from B.P. Australia on current Government proposals. Perhaps the matter bears very close examination from the point of view of what has been raised by the Hon. Mr. Burdett in regard to this matter. He is a person who, when I was on another Select Committee, went around the trades of that industry and made speeches about the evidence that was given.

The Hon. J. C. Burdett: I did not.

The Hon. N. K. FOSTER: You did, and so did Chapman.

The Hon. J. C. BURDETT: I rise on a point of order, Mr. President. I deny the allegations that have been made; they are offensive and I call for an apology. It has been stated that, while a Select Committee was in progress, I spoke to public meetings about the matter. I did not do this; I emphatically deny the allegation.

The Hon. N. K. Foster: I withdraw it.

The PRESIDENT: Order! The Hon. Mr. Foster must not take the matter any further; he has been asked to withdraw his statement and apologise.

The Hon. N. K. FOSTER: I did not hear him ask me to withdraw and apologise. Did he say that?

The PRESIDENT: Yes, he did.

The Hon. N. K. FOSTER: He had better go to

confession on Sunday because I will withdraw and apologise.

The Hon. L. H. Davis: Just leave it at that.

The Hon. N. K. FOSTER: You just shut up!

The PRESIDENT: Order!

The Hon. N. K. FOSTER: Ask him to shut up.

The PRESIDENT: The Hon. Mr. Davis turns his head towards the honourable member and I cannot hear what he says. The Hon. Mr. Foster has two options: one is that he take no notice, and the other is that he apply to move so that when the Hon. Mr. Davis shouts at him I can hear the Hon. Mr. Davis.

The Hon. N. K. FOSTER: No, the Liberals will shift him eventually. I apologise to Burdett if he is hurt to the extent—

The Hon. J. C. Burdett: It is just untrue. I did not go around speaking to industries.

The Hon. N. K. FOSTER: Since you say that I am a liar, I will not apologise on that basis.

The PRESIDENT: Order! The Hon. Mr. Foster has apologised and that is where the matter ends. Will the honourable member address the Chair, and not refer to other honourable members?

The Hon. N. K. FOSTER: Let me deal with the matter on the basis on which I was dealing with it originally. It is all right for fellows on the other side to say that they will not spend public money and to tell members on this side that we are damned fools if we think that, by spending that money, we can do anything for the unfortunates in the community. It is all right to bleed the community to pay B.P.; it is all right to give the community's money to Roxby Downs and to every foreign-owned entity that wants to poke its nose into the State; it is all right for the community to pick up the tab to the extent of 10 per cent to 20 per cent for every air ticket purchased in Australia and the tab for the motor vehicle industry; but it is not good enough for members on this side to criticise Government members for making a 1 per cent to 5 per cent cut-back in education, hospitals, housing, or whatever. It is all right for members opposite to say that they will not spend money on housing in the public sector but will make $25 000 000 available for the infrastructure for Redcliff. If that is not a case of a double standard and hypocrisy I would like to know what is.

The Hon. L. H. Davis: Don't talk rubbish.

The Hon. N. K. FOSTER: It is a fact of life that, if large multi-national companies are given hand-outs to the tune of millions of dollars, it must be obtained from somewhere. Where do you get it? This money is not obtained from the companies so that it can be handed back to the companies. It is obtained from one source and one source only—from taxpayers.

The Hon. L. H. Davis: What about the previous Minister?

The Hon. N. K. FOSTER: I do not care what Hudson did; I have criticised my own Party for it. I have said it in my own Party rooms, and I may say it again this week-end—that there is not sufficient return from the mineral wealth of this country to the people of this country and particularly to the people of this State. The Government has been lucky to reap the benefit of the fact that, when it came into office, there had been two good agricultural years. What the Hon. Mr. DeGaris said in his initial remarks was perfectly true of the economy in this State.

If there are three drought years, as we had in 1975, 1976 and 1977, the State is in great trouble. If we have three good years we are buoyant. The average farm income today is at a record level. Provided nothing stupid is done by the Federal Government to deny the cash inflow as a result of exports, by banning shipments of wool and wheat to Russia and Iran—

The Hon. L. H. Davis: And the sheep.

The Hon. N. K. FOSTER: I will come to that in a moment, because you are one yourself. The fact is that the Government has achieved office when there have been two good years and the possibility of a third. The return from the produce being shipped out has been very good indeed. If one takes that away, one is in strife. I refer again to the fact that both the Hon. Mr. DeGaris and the Hon. Mr. Davis were critical of public expenditure; they are taking a narrow view on this matter. Apparently, it is all right to give money to multi-national companies. It is all right to spend money on building ports, deepening harbors, building highways, and what have you. However, if we suggest that more money ought to be expended to employ people, members opposite disagree.

What has been said by Government members tonight about technology in relation to job vacancies has been false and stupid. For several years, I have been critical of a number of political Parties, including my own, about this aspect of so-called development in technology and advanced mechanisms. To those who say that progress cannot be stopped, I say that that argument may have had more validity in the 1930's, 1940's, 1950's and into the early 1960's, than it has today. In the past machines were replacing horses. Later on, because of the boom and bust years after the war, there were the hungry markets that took some 10 to 20 years to satisfy and that allowed the achievement of some buoyancy.

I again refer to the Hon. Mr. DeGaris's speech this evening in regard to the expenditure of public money. The Hon. Mr. DeGaris does not, and did not, give a damn about the billions and billions of dollars of unproductive and wasted expenditure on the Vietnam war. That has been the crux of the Western world's downfall; it can be traced back to that. Members opposite make no complaint about expenditure of public money on matters of that nature. As soon as we say anything about public money members opposite start fetching up the argument that the private sector stands up on its own without financial public support. That is a lot of rot.

Regarding technology, we have reached the stage where mechanisation costs jobs. No longer do we see headlines in the paper about G.M.H. and multi-national groups like Mitsubishi coming down to Australia to spend $30 000 000 to $40 000 000 and employing thousands of people. Technology has caught up. The letter by the Metal Workers Union this week (referring to the G.M.H. plastics division) in the newspaper hit the nail on the head. However, those days are gone and we will never see the like of that again. Therefore, what we have is a dwindling number of employees. Given the explosion because of the average ages in the community, coupled with the fact that over the next 10 years a high percentage of people will be retiring, and at both ends of the spectrum today in this country we have those who are taking benefits out of the public taxation area, and we have younger people who are affected because there is not the opportunity for employment.

For the beneficiaries (if I may use that term in its loose sense), and those supporting them, the gap is getting wider. That means, if we are going to keep people off the poverty line, increased social welfare benefits in terms of money and in terms of families. We must also widen the scope, so that we do not have the people about whom we have been reading during the past week, who are so embarrassed that they leave home. They leave home not because they are on drugs necessarily or because they have had parental quarrels; some of the young people to whom I have spoken have left home and become homeless

because of the acute embarrassment they feel at not being able to find work. They are 18, 19 or 20 years of age, and there are younger children in the home who have to be clothed and educated, and the parent is on part-time work.

One of the best barometers you can get for this problem in terms of economic management measured in terms of quality of life of the people is exemplified in Adelaide's concentrated business area. People talk about wage sharing. It is all right if both parents are school teachers or public servants or if it is a person such as Mrs. Hardy, who works for nothing in a Ministerial staff room, thus depriving someone else from getting a job. Her husband, a millionaire, heads a multi-million dollar empire.

Business people in Adelaide's mall boast that they are employing more people today than ever before. It is hypocritical of the Government not to insist on examining those statements. What they say is, in effect, true, but what they do not tell you is that the overall hours worked in industry have dropped alarmingly in the past three years, and are continuing to drop. Allied to that is that the fewer the people employed, and the more labor-saving devices (whether in the keyboard or technological area) that are used, the higher prices will increase.

Can anyone suggest that, since the advent of supermarkets, with kids 15 and 16 years of age doing the bulk of the work, there has not been a real saving in labour costs, not only in individual wages but also in the overall wage structure? The overall wages bill in industry has fallen and prices have risen to record levels. They are the economic measures I see as being important, not the Government's saying it has transferred money from X account to Y account—a book entry. If we use money as the basis of our society, if we take people out of the distribution of the wealth of this country, we impose on them a hardship from which they will never recover. There is no growth period around the corner for employment. Those days have gone forever. I do not believe that the so-called energy crisis will mean that we will revert to labour-intensive industry.

That is not likely to happen again, either. To a large extent, the energy crisis is a fault of the multi-nationals, as the evidence in America tends to support. Regarding the so-called bonanza in relation to the uranium wealth that we are supposed to have, I am indeed alarmed. In saying this, in case any honourable member raises a point of order under Standing Order 190, I say that I am not relying on the evidence that has been given to the Select Committee.

Recently, having returned from South Korea, the Premier boasted about possible uranium export earnings from this area, when there would be no prospect of our getting any return for eight or 10 years, even if the project was allowed to proceed. The Premier must have stirred up considerable strife in South Korea, as the country was almost taken over by so-called revolutionaries within a week. Is this the sort of country to which we are to export uranium?

The Hon. B. A. Chatterton: They've got plenty of their own.

The Hon. N. K. FOSTER: As the former Minister of Agriculture, who is much more learned than any present Government Minister, has said, that country has plenty of its own uranium. While Australia embarks on an economic policy of export earnings, on the basis of each State's doing its own thing in relation to its mineral exports, we will be taken for a great international ride.

I qualify that by saying that not many years ago there were citrus marketing authorities in New South Wales, Victoria and South Australia. There was only a restricted market area, and one saw the appropriate Minister from New South Wales going to Singapore to negotiate a deal for New South Wales growers. He was followed by the Victorian Minister, who met exactly the same people in Singapore, and he, too, was followed by the South Australian Minister. Every now and again the order would be reversed. In the meantime, those who were buying the product sat wily by in Singapore and played one against the other, taking advantage of them.

That is what is happening today in relation to our mineral wealth. True, the best coal in Australia is being exported at the cheapest possible rates. That is bad enough, but, although the former Labor Government tried to obtain more money for the people (as Rex Connor was doing), when the Federal Government changed in 1975 those involved suggested that the matter be weighted, as a result of which the export of the commodity would not bear the charges involved.

America is conserving her own coal by importing that commodity. Korea will conserve her own uranium resources by importing uranium from Australia, and that is wrong. This nation has never grown up. Indeed, other nations have always regarded us as a pack of fools. If a country like Greece had the wealth that this country has, does one think that it would allow a multi-national company to come in and demand from the people half the cost of establishing an industry, with the people getting nothing back in return?

Did I not see a report recently that the uranium industry in Canada attracts a royalty as high as 80 per cent? This applies to one province in Canada, and it was enacted by a State Government. It is unthinkable that in this country we would even ask for 10 per cent—after we have given them more than 10 per cent. That is the type of area of public expenditure to which members of the Government should be looking.

I will not accept the basis of argument that, if we do not let them come in here and spend money, we will never get anything out of it. We are much better off leaving it where it is for future generations. Our whole trading concept in this country is so narrow, and principally it has been the fault of Liberal Governments dominated by a minority party (the Country Party) for 20-odd years, as was so boastfully said a few days ago by the Hon. J. D. Anthony.

Those are the sorts of matters that concern me today; there is no way we will get full employment under the old methods. There sits on the back bench opposite the Hon. Mr. Laidlaw, who has very wide industrial experience.

The Hon. J. C. Burdett: A good man.

The Hon. N. K. FOSTER: I shall let the interjection go over my head. You could not even give assistance to an ailing industry in a town in which you were born and in which you lived all your life. I am referring to the implement industry in Mannum, and it got no help from you. It was left to people that you mix with to fix up locally. The were assisted by the Labor Government, and they owe you nothing.

The Hon. J. C. Burdett: I approached the former Government, so they do owe me something.

The Hon. N. K. FOSTER: The Minister's slate is not too clean on this matter. What I was about to say in regard to the Hon. Mr. Laidlaw was not disrespectful; he could not stand in this Chamber and say that there was likely to be a growth in industry that will lessen the amount of unemployment that we see today. The Hon. Mr. Laidlaw knows that it is not on. If his principal company was able to secure contracts to the extent that it was able to secure contracts in the 1950's and 1960's, it would not be able to employ nearly as many men as it could employ in those days. If he thought it could he would enter into this debate and, in the interests of honesty, he would admit that.

Where does this Government accept that we ought to give it credit on the basis of what it said in this debate in this Chamber, or even in the House of Assembly? If the Government is concerned for the future of the people in this State, it can expect that it will not get any credit, because it has inherited the most difficult task that can befall any Government that is, to adapt to a change so violent and necessary with the concept of the economic climate in which we live that will in fact meet the needs of people without employment, and it is a very very difficult thing to do indeed. If one looks at the history of the 1930's and at the newspaper reports of those times, particularly the early 1930's, in respect of employment, one could almost think that they had been lifted out of the pages of some of the more responsible newspapers over the last 12 months.

If you go out on the hustings and try to win an election on the basis that unemployment ought to be a real issue, you have the people who are employed voting against you because they believe their own job is in jeopardy. You, as a political Party, have been able to get through to some people that the next wage increase means someone's job. However, allow me a whisper against rising company profits in the past two years. They have increased not by 10 per cent but by as much as 150 per cent and 200 per cent. Those increases are not uncommon. Take the classic example of self-interest on the part of those who should act more responsibly. In Portland in the past few weeks there has been a ban on live sheep exports, with 300 employees of a local abattoir being stood down and absolutely ignored by the rest of their townfolk.

New Zealand banned live sheep exports some years ago in the interest of that country, and more returns resulted to the primary producer in that country than applies under the hotch-potch method of depriving the workers in this country of a job. We have heard a lot about the attitude of unions and the Labor Party generally on the basis that we export jobs by asking for wage increases and that the cost structure and balance between what comes from Asiatic countries to this country and what goods we could manufacture and process must close. Australian exports, ever since Macarthur exported his sheep to Bradford, in England, have always been on the basis that we export employment. We export employment and live sheep.

We exported employment in the 1950's, when we assisted Indonesia to build flour mills, as well as when we allowed the Stock Exchange to run riot in this country, with Australian-based traditional interests being taken over by multi-nationals. That has had a cumulative effect, with mechanism and technology. It is my unfortunate lot to observe that in this State we no longer are even a warehouse for many commodities that the community requires. We are merely a cipher to be fed into a computer and, if we are in the hardware industry, and put in an order for goods, it does not hit the deck in South Australia: it goes to computers in Sydney.

We have seen the spectacle in the past few days of the Federal Public Accounts Committee attacking the Australian Wheat Board, which has absolute autonomy in marketing. Whilst the Federal Government may attempt to carry out psychological warfare against a number of men and women in this country in regard to their going to Moscow, that Government is not prepared to put the same restriction on the Australian Wheat Board. Whitlam bore the brunt of criticism, jibes and ridicule, and he was accused of being a traitor, in relation to sales to China. It was not Anthony: it was the far-sighted policy. The Australian Wheat Board has become a gigantic middle-man ripping millions of dollars off those who work in the field and those who take the risk in the farming community. They are the victims of what the Wheat Board has done to them secretly and subversively over the past few years.

I am hoping to see that end. That comes as another illustration of the non-criticism of what happens in connection with the public sector and public money so far as the present Government is concerned. The only goals it sees are to cut education, social security and hospital costs, but not to cut anything else. That is my main criticism of this Bill. I am not that much concerned about accountability or the way in which it was put before the Chamber this evening. One has to support the Bill, I realise that, but one ought to be allowed a criticism. I will conclude on this note; that we in this State, particularly members of the Liberal Party, have got to bring influence to bear upon the present Federal Government, for as long as it remains in office, to ensure that, in fact, it does not curtail the trading rights of individuals in this community, whether those rights be spelt out in terms of companies, or whatever they may be. We must watch for inequalities in the export of commodities such as live sheep. I support the Bill.

The Hon. C. J. SUMNER secured the adjournment of the debate.

FISHERIES ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. C. M. HILL (Minister of Local Government): I move:

That this Bill be now read a second time.

This Bill proposes amendments to the principal Act, the Fisheries Act, 1971-1977, that are designed to provide wider and more flexible powers for regulating the fishing industry and managing and conserving the fisheries of the State.

More particularly, the Bill is designed to enable the marine scale fishery in South Australia, that is, the fishery for species such as whiting, snapper and garfish, to be managed separately from the tuna fishery and from the rock lobster, prawn and abalone fisheries, which are managed under the managed fisheries regulations made pursuant to section 36 of the principal Act.

At present, all licensed fishermen are entitled to equal access to the marine scale fishery by virtue of licences issued under section 30. With growing concern for the stocks of scale fish, it is necessary to restrict access to the fishery by persons whose fishing licences carry authorities or endorsements which allow access to the tuna, rock lobster, prawn and abalone fisheries. It is considered that the class A licensees who are dependent for their livelihood on the marine scale fishery should be given preferential access to the marine scale fishery over class B licensees who merely supplement their incomes by fishing and over those with access to the tuna and other managed fisheries.

The most effective way to do this is to provide powers to specify for all licences the species of fish that may be taken pursuant to the licences and to impose appropriate differential gear and seasonal restrictions to apply to class A as opposed to class B licensees, to general licensees as opposed to licensees permitted access to species other than scale fish and to licensees whose licences should be restricted to particular geographic areas, such as the Lakes, the Coorong and the Murray River.

These flexible controls cannot be imposed by the

making of further regulations under section 36 which must in the terms of that section differentiate between species of fish. Accordingly, the Bill proposes an amendment to section 28 of the principal Act which will allow the Director of Fisheries, as the person issuing licences, to endorse any condition on any particular licence without necessarily having to make those conditions apply to all licences. In particular, the Director would be able to limit the taking of fish pursuant to a licence by reference to species, sex, size or other factors and, if necessary, impose quotas and restrict the seasons and circumstances in which species may be taken under any particular licence.

The Bill also proposes an amendment to section 32 of the principal Act which will allow the Director to require a licence holder to be on board his fishing vessel and responsible for all operations involved in taking fish for sale. Appropriate exceptions would be made to such a requirement to cater for contingencies such as illness. The intention of this amendment is to eliminate the practice of unlicensed persons taking fish and selling them in the name of another person. In effect, this will restrict each licensee to the use of one fishing unit at any one time. It will ensure that employees do not operate independently from the licence holder and outside his control.

I stress that the conditions which will be added to licences under these powers will apply initially to activities in the marine scale fishery, while action under the proposed amendments will have consequences for persons who hold entitlements to the tuna, prawn, rock lobster or abalone fisheries. No further action is proposed in those fisheries at the present time. Fisheries currently covered by the managed fisheries regulations will continue to be managed under those provisions until there has been the opportunity for specific consultation with the affected sectors. I seek leave to incorporate the explanation of the clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 28 of the principal Act which provides for the classes of fishing licences and the conditions of such licences. The clause amends this section by expanding the power to make conditions so that it would authorise conditions relating to the areas within which fishing may be carried on pursuant to a licence; the species, quantity, sex or size of fish that may be taken; the periods during which specified devices may be used or specified species or classes of fish may be taken; the number of boats that may be used for fishing and their use; or any other matter relating to the taking of fish pursuant to a fishing licence.

Clause 4 amends section 32 of the principal Act which provides for the grant to a fishing licensee of a further licence authorising him to employ another person to take fish on his behalf. The clause amends this section by empowering the Director of Fisheries to impose, upon granting such a licence to employ, conditions relating to the circumstances in which employees may take fish on behalf of the holder of the fishing licence. The clause also inserts a provision providing that it shall be an offence for the licensee to cause, suffer or permit any employee of his to take fish in contravention of a condition of the licence to employ.

Clause 5 amends section 34 of the principal Act which provides that a decision of the Director to refuse a licence may be reviewed by a person appointed by the Minister. The clause amends this section by providing that a decision of the Director to grant a licence but subject to conditions may also be reviewed in a similar manner.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 4 June. Page 2195.)

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this debate be further adjourned.

The Council divided on the motion:

Ayes (8)—The Hons. J. C. Burdett, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Noes (8)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), J. E. Dunford, N. K. Foster, C. J. Sumner, and Barbara Wiese.

Pairs—Ayes—The Hons. M. B. Cameron and J. A. Carnie. Noes—The Hons. C. W. Creedon and Anne Levy.

The PRESIDENT: There are 8 Ayes and 8 Noes. Because I feel that there are members who, through no fault of their own, have been detained, I think that the debate should be further adjourned, and accordingly I give my casting vote to the Ayes.

Motion thus carried.

ADJOURNMENT

At 11.12 p.m. the Council adjourned until Wednesday 11 June at 2.15 p.m.